

Frost Brown Todd^{LLC}

ATTORNEYS

OHIO · KENTUCKY · INDIANA · TENNESSEE

Daniel A. Brown
513.422.2001
dbrown@fbtlaw.com

November 2, 2005

Mr. Fred Bartman
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

EPA Region 5 Records Ctr.



368971

Re: Response of Jim City Salvage, Inc. to General Notice Letter regarding the
South Dayton Dump and Landfill Site, Moraine, Ohio

Dear Mr. Bartman:

I represent Jim City Salvage, Inc. ("Jim City Salvage"), a small family owned Ohio corporation organized on December 1, 2000. On September 23, 2005, I sent you the company's initial email response to USEPA's General Notice Letter dated August 4, 2005. See attached **Exhibit A**. This letter provides more detail to support the company's position that it should not be considered a potentially responsible party at the South Dayton Dump and Landfill Superfund Site ("Site").

Before preparing this letter, I reviewed the entire Administrative Record for this matter at the Montgomery County Library, Kettering-Moraine Branch, and I reviewed all the relevant property records that are available on-line through the Montgomery County Recorder and Montgomery County Auditor web sites. Based on those reviews, Jim City Salvage provides the following supplemental response to the General Notice Letter.

ADMINISTRATIVE RECORD

The Fact Sheet dated July 2005 that was attached to the General Notice Letter describes the South Dayton Dump and Landfill Site as an 80 acre inactive dump and landfill site located at 1975 Dryden Road in Moraine, Montgomery County, Ohio. However, the Site Narrative posted on USEPA's National Priorities List web site describes the South Dayton Dump and Landfill as consisting of "at least 33 acres that include two 5 acre ponds, which are former extraction pits that have filled with water." The Site Narrative was posted on the USEPA web site sometime after the Site was proposed for listing in the Federal Register on Sep. 23, 2004.

According to the map attached to the General Notice Letter, the original boundary of the Site (dark grey line) included a property owned by Margaret C. Grillot (Parcel J44-26421-0006 consisting of 25.404 acres) and most of a property owned by Valley Asphalt Corporation (Parcel J44-04102-0040 consisting of 9.761 acres). See attached **Exhibit B**. The documents contained in the Administrative Record show that all dumping and land filling of solid waste during the period of 1941-1996 occurred on those two properties.

The expanded Site boundary on that same map (red line) appears to include the remaining northern portion of the Valley Asphalt property, an additional 6 properties located along the west side of Dryden Road north of East River Road, and another 6 properties located behind the frontage properties along East River Road, west of Dryden Road. Two of the additional properties included in the expanded Site boundary are owned by my client, Jim City Salvage (Parcel J44-04105-0031, Pt Lot 4423; and Parcel J44-04105-0125, Lot 3753).

Jim City Salvage, Inc. came into existence on December 1, 2000 when its articles of incorporation were filed with the Ohio Secretary of State. See attached **Exhibit C**. On December 20, 2000, Jim City Salvage purchased an existing auto salvage yard ("Salvage Yard") from South Dayton Auto Salvage, Inc. that included eight separate parcels consisting of approximately 8.586 acres of real property with a common address of 2335 East River Road, Moraine, Ohio. See attached **Exhibit D**.

The Salvage Yard was originally started at this location by Doyle T. Roberson in 1967. Mr. Roberson initially specialized in reclaiming truck parts, but a few years later, he began to salvage automobile parts. On May 4, 1988, the Salvage Yard was sold to Ollie E. Lacy, who already owned two additional parcels of property adjacent to the Salvage Yard. After Mr. Lacy's death, his estate sold the Salvage Yard to Sharon Roe on July 8, 1992. A few years later, Sharon Roe sold the Salvage Yard to South Dayton Auto Salvage, Inc. on January 24, 1996. See attached **Exhibit E**.

Jim City Salvage objects to USEPA's decision to expand the Site boundary to include the two rear parcels of property that are part of its salvage yard operation because USEPA provides no explanation in the Administrative Record for that decision. Furthermore, there are no documents in the Administrative Record that support USEPA's decision to expand the Site boundary well beyond the area that was used for waste disposal.

The Administrative Record shows that on December 18, 1968, Alcine Grillot obtained a license to operate a solid waste landfill at his property located at 1975 Springboro Pike. Later, on June 16, 1976, Larry Cornett obtained approval to fill Lot 3277 in the City of Moraine with dirt, concrete and other debris. Those two operations were never connected in any way with the salvage yard operated by Mr. Roberson or any of the successor owners of the Salvage Yard properties.

USEPA's own investigation supports that conclusion. The "Focused Site Inspection Prioritization Site Evaluation Report for the South Dayton Dump," prepared by PRC Environmental Management, Inc. for USEPA on February 10, 1995, clearly shows that that southern boundary of the landfill property includes a deep ravine that formed a natural barrier between the landfill operations and other privately owned properties located to the south (where the Salvage Yard is located).

The "Aerial Photographic Analysis of the South Dayton Dump Site" prepared by USEPA in June 2002 also supports the conclusion that no waste disposal ever occurred on the Salvage Yard. The 1954, 1960 and 1970 aerial photos in that report shows that the rear portions of future Salvage Yard operation did include gravel extraction pits. However, by the time that the 1973 aerial photo was taken, those parcels were then being used for "open storage." Then, the 1988, 1994, and 2000 aerial photos clearly show the auto salvage operation on those properties.

The groundwater sampling done by The Payne Firm Inc. on behalf of the Grillot family also supports the conclusion that no waste disposal ever occurred on the Jim City Salvage properties. Monitoring well MW-209 is positioned in the east corner of Parcel J44-26422-0001 owned by Margaret Grillot, which is located directly north of the Salvage Yard and south of the former dump. The groundwater monitoring results from MW-209 show that no "contaminants of concern" have been detected in the last six sampling events beginning in May 2000. See Table 1 of the Payne Firm report dated September 1, 2005. See attached **Exhibit F**.

DEFINITION OF "FACILITY"

Jim City Salvage is not liable for any of the costs that USEPA has incurred or will incur at the Site because it does not fit into any of the four categories of responsible parties set forth in CERCLA Section 107 (a). As a corporation that was not organized until December 1, 2000, it could not have "arranged for the disposal of hazardous substances" under CERCLA Section 107 (a)(3) at a site that was closed for waste disposal sometime prior to 1997. Similarly, because Jim City Salvage was not operating during the time that the dump was accepting waste for disposal, the company could not have "accepted any hazardous substances for transport to disposal or treatment facilities" under CERCLA Section 107 (a)(4), and was not "at the time of disposal" the owner or operator of a "facility at which such hazardous substances were disposed of" under CERCLA Section 107 (a)(2).

Consequently, the only way that Jim City Salvage could ever be considered a "potentially responsible party" at the Site is if, according to CERCLA Section 107 (a)(1), the company currently owns or operates the "facility" known as the South Dayton Dump and Landfill Site where hazardous substances were disposed of. Because Jim City Salvage does not own or operate any part of the "facility" where hazardous substances were disposed of, it is not a liable party for USEPA's costs to investigate and/or remediate the Site.

CERCLA Section 101 (9)(B) defines the term “facility” to include “any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located.”

Courts that have considered the issue have uniformly decided that the term “facility” under CERCLA may span across several distinct parcels of property so long as the hazardous substances were disposed of as part of the “same operation or management.” See *Cytec Industries, Inc. v. B.F. Goodrich Co.*, 232 F. Supp.2d 821, 836 (S.D. Ohio, 2002) (the entire area, including single or contiguous properties, was a “facility” under CERCLA because hazardous wastes were deposited as part of the same operation or management); *Nurad, Inc. v. William Hooper & Sons Company*, 966 F.2d 837, 843 (4th Cir. 1992) (a defendant operates a “facility” only if it has authority to control the area where hazardous substances come to be located); *Sierra Club v. Seaboard Farms, Inc.*, 387 F.3d 1167 (10th Cir. 2004) (eight buildings on two adjoining properties were considered to be one “facility” for CERCLA purposes because they were owned, managed and operated as one facility with one particular site purpose – to produce swine products); *Sierra Club, Inc. v. Tyson Foods, Inc.*, 299 F.Supp.2d 693 (W.D. Ky. 2003) (multiple chicken houses on four adjoining properties considered to be one “facility” for CERCLA purposes because they are “operated for a singular purpose” and “managed as a whole”); *United States v. Township of Brighton*, 153 F.3d 307, 313 (6th Cir. 1998) (two separately owned properties operated together as a dump was considered to be one “facility” for CERCLA purposes); and *U.S. v. 150 Acres of Land, More or Less, Located in Medina County, Ohio*, 204 F.3d 698, 709 (6th Cir. 2000) (determining whether separate parcels of land should be considered to be one facility under CERCLA depends on whether there is a “reasonable or natural” division of the property into multiple parts).

The properties now owned and operated by Jim City Salvage as an auto salvage yard was never part of a common ownership or management with the solid waste dumping operations that were occurring on the neighboring properties. Consequently, the salvage yard properties should not be included within the expanded Site boundary (red line). Furthermore, redrawing the red line to exclude the salvage yard properties would not restrict USEPA’s ability to investigate and/or remediate the South Dayton Dump and Landfill Site because according to 40 CFR ¶ 300.400 (d)(2)(D), USEPA has the right of “entry and access” to properties located adjacent to an identified Superfund Site. Based on that established right, USEPA could lawfully come onto the adjacent Jim City Salvage properties for purposes of sampling and analysis even without including the properties within the Site boundary.

SUPERFUND DEFENSES

If the Site boundary is changed to exclude the Salvage Yard properties, Jim City Salvage should be considered a non-labile "contiguous property owner" according to CERCLA Section 107 (q)(1)(A). The criteria for such defense is that the contiguous owner: 1) must *not* be the source of the Site contamination; 2) must have performed all appropriate inquiry prior to the purchase of the property; and 3) must have bought without knowing or having reason to know that the property was contaminated.

Jim City Salvage satisfies all the criteria for this defense. There is no evidence whatsoever that the Salvage Yard properties are contaminated, let alone the source of any contamination at the South Dayton Dump and Landfill Site. Prior to purchasing the properties, Jim City Salvage performed its own due diligence regarding the salvage yard operations, and understood that the South Dayton Dump and Landfill Site was located nearby, but not on any contiguous properties. Consequently, the nearby but non-contiguous location of a known Superfund Site should not have prevented the company from purchasing the salvage yard operation. Finally, Jim City Salvage did in fact purchase the Salvage Yard without any knowledge of environmental contamination on the properties, and without any reason to know that USEPA would redraw the Site boundary to include the Salvage Yard properties more than 5 years later.

If USEPA refuses to redraw the Site boundary to exclude the Salvage Yard properties, Jim City Salvage should be considered an "Innocent Landowner" according to CERCLA Section 101 (35). The criteria for such defense is that the Site contamination must be caused by an act or omission of a third party with whom the innocent landowner does not have a contractual relationship; and the innocent landowner must exercise due care regarding the contaminated property. Jim City Salvage satisfies all of the requirements for the Innocent Landowner defense because none of the predecessor companies that operated the Salvage Yard contributed in any way to the Site contamination, and the company undertook a reasonable due diligence investigation about the history of the Salvage Yard prior to taking legal title to those properties.

LIMITED ABILITY TO PAY

Even if USEPA still considers the salvage yard to be properly located within the expanded Site boundary, and determines that it is not eligible for either of the Superfund defenses discussed above, Jim City Salvage should be treated as a de minimis party in this matter because of its limited ability to pay for investigation and cleanup costs. Jim City Salvage is a small, family owned company that has been working very hard to make the salvage yard operation a success. Because of its limited financial capability, the cost of defending itself in a Superfund case could easily be the difference between solvency and insolvency. Therefore, we ask that USEPA use its discretion to consider the company's limited ability to pay in determining the most appropriate course of action to be taken. To support its claim of limited ability to pay, the company would be willing to provide USEPA with relevant financial documentation.

Mr. Fred Bartman
U.S. Environmental Protection Agency, Region 5
November 2, 2005
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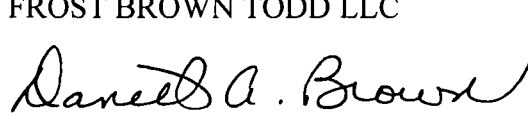
SUMMARY

Based on all the information presented above, Jim City Salvage respectfully requests that the red line signifying the boundary of the South Dayton Dump and Landfill Site be redrawn to remove the rear parcels of property owned by Jim City Salvage, and to remove the company from the list of potentially responsible parties at the Site.

If you have any questions regarding the issues discussed in this letter, or any of the attached documents, please call me to discuss them.

Very truly yours,

FROST BROWN TODD LLC

A handwritten signature in black ink that reads "Daniel A. Brown". The signature is fluid and cursive, with a large loop at the end of the last name.

Daniel A. Brown

Enclosures

c: Jim Worley (w/encls.)

MidLibrary 0105021.0522012 126877v.1

Brown, Daniel A.

From: Brown, Daniel A.
Sent: Friday, September 23, 2005 12:42 PM
To: 'bartman.fred@epa.gov'
Subject: South Dayton Dump and Landfill Site

Mr. Bartman:

I have just been retained to represent Jim City Salvage, Inc. with regard to the ongoing investigation by the United States Environmental Protection Agency at the South Dayton Dump and Landfill Site. Please direct all future correspondence to Jim City Salvage, Inc. regarding the Site to my attention.

I have a copy of the August 4, 2005 letter sent by Wendy L. Carney, Chief of the Remedial Response Branch # of USEPA regarding ongoing Site activities. In that letter, Ms. Carney invites all recipients to participate with USEPA in the Site investigation or provide evidence that they are not "responsible parties" under CERCLA.

Jim City Salvage is not a responsible party at the Site for a variety of reasons, including some of the statutory exemptions from liability under CERCLA. I will follow up this initial notice with a more specific response next week that will include copies and an explanation of various documents that support the company's position that it should be removed from USEPA's list of "potentially responsible parties" at the Site.

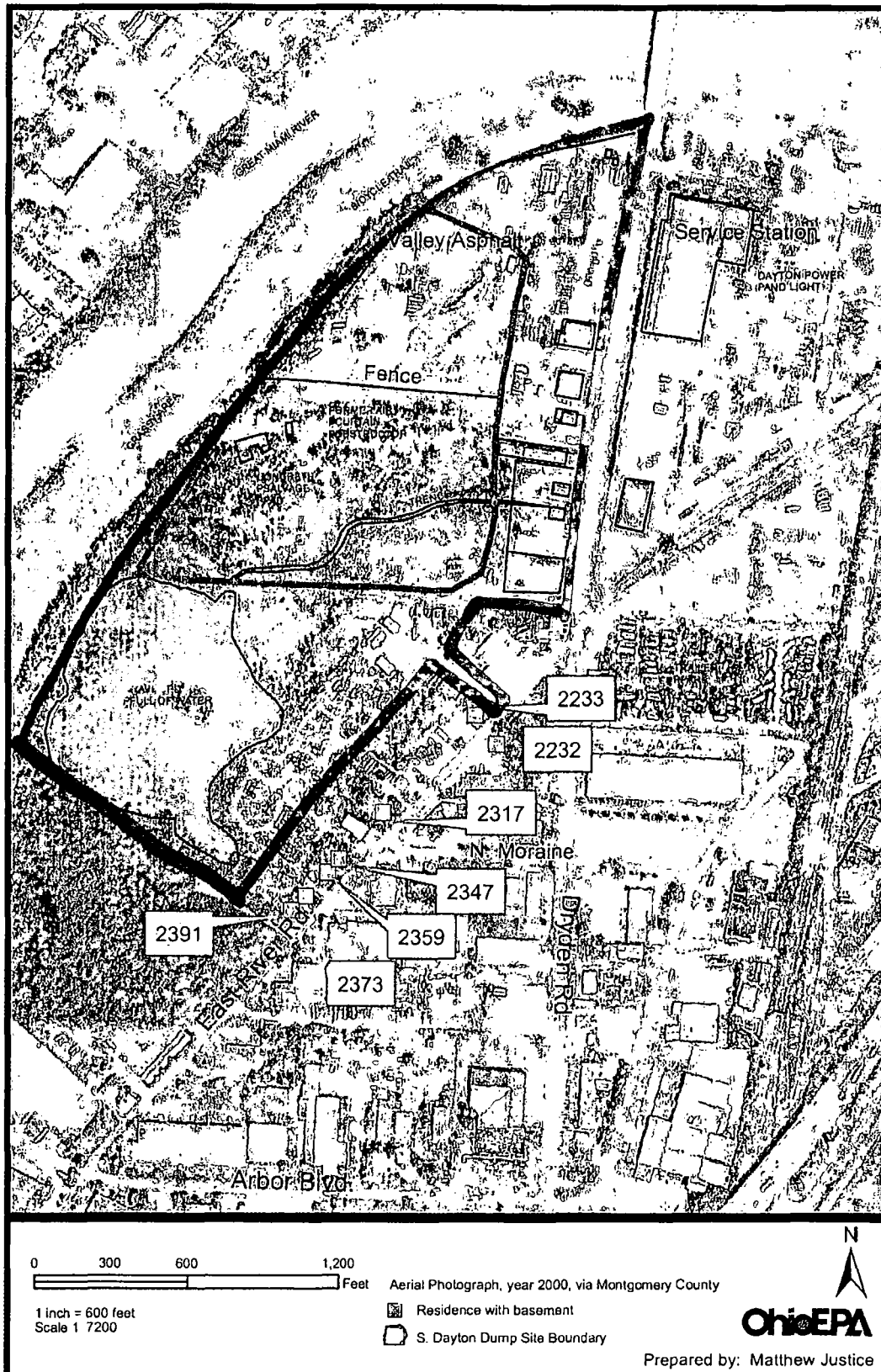
In the meantime, if you have any questions regarding the company's position, please do not hesitate to contact me at the address and phone number listed below. Thank you for your attention to this matter.

Daniel A. Brown



300 North Main St., Suite 200
Middletown, Ohio 45042-1919
(513) 422-2001 ext. 214
(513) 422-3010 fax
dbrown@fbtlaw.com

South Dayton Dump, Montgomery County
 East River Road Residences with Basements,
 March 3rd, 2005



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County Auditor



MONTGOMERY COUNTY

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PARID: J44 04102 0040

JUR: 000

CITYNAME:

NBHD: C110300J

ROLL: RP

VALLEY ASPHALT CORPORATION

1903 DRYDEN RD



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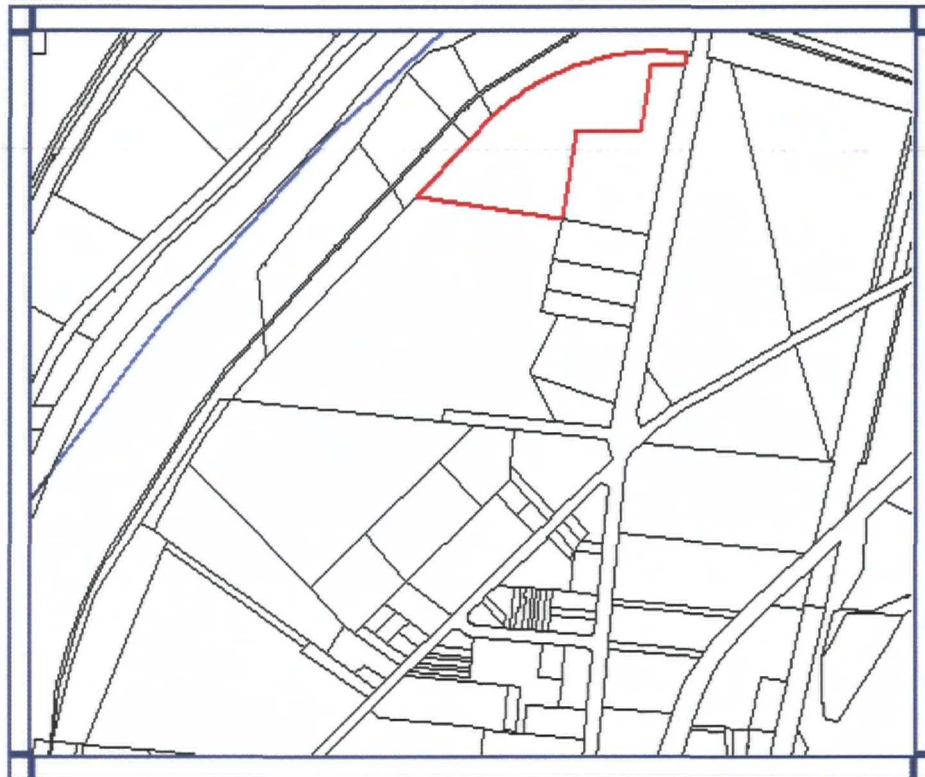
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PARID: J44 04102 0040

JUR: 000

CITYNAME:

NBHD: C110300J

ROLL: RP

VALLEY ASPHALT CORPORATION

1903 DRYDEN RD



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DATA PANEL

Variance



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PARID: J44 04102 0040

JUR: 000

CITYNAME:

NBHD: C110300J

ROLL: RP
1903 DRYDEN RD

Tax Year:

VALLEY ASPHALT CORPORATION

CURRENT

Owner

Name

VALLEY ASPHALT CORPORATION

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Mailing Address

11641 MOSTELLER RD

Variance

City, State, Zip

CINCINNATI, OH 45241 1520

Mailing

Name

VALLEY ASPHALT CORPORATION

Printable View

Mailing Address

11641 MOSTELLER RD

City, State, Zip

CINCINNATI, OH 45241 1520

Legal

Legal Description

PT 3059-60

Land Use Description

C - OTHER COMMERCIAL STRUCTURES

Acres

9.761

Deed

Values

Assessed Values

100%

35%

Land

\$261,580

\$91,550

Improvements

\$111,390

\$38,990

CAUV

\$0

\$0

Total

\$372,970

\$130,540

Tax District/School District

Tax District Name

MORaine CITY-KETTERING CSD

School District

Current Year Rollback Summary

10% Rollback

2.5% Rollback

Homestead

City of Dayton Credit

Tax Summary

Year	Delinquent	Delq.Pmts.	1st Half	Payment	2nd Half	Payment	Total Currently Due
2005	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

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PARID: J44 26421 0006

JUR: 000

CITYNAME:

NBHD: C110300J

ROLL: RP

GRILLOT MARGARET C

DRYDEN RD



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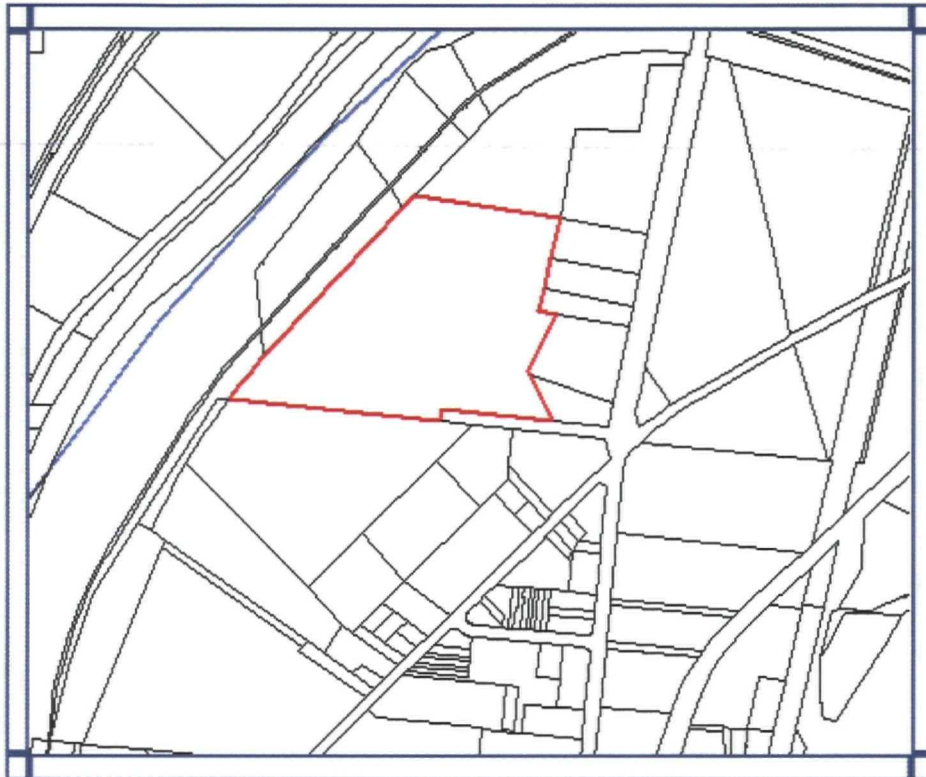
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PARID: J44 26421 0006

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GRILLOT MARGARET C

CITYNAME:

NBHD: C110300J

ROLL: RP

DRYDEN RD

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PARID: J44 26421 0006

JUR: 000

GRILLOT MARGARET C

Owner

Name

CITYNAME:

NBHD: C110300J

ROLL: RP
DRYDEN RD

Tax Year:

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Variance

Mailing Address

GRILLOT MARGARET C

2 RIVERPLACE SUITE 310

City, State, Zip

DAYTON, OH 45404

Mailing

Name

KATHRYN A BOESCH

Mailing Address

204 WHISPERING WIND CT

City, State, Zip

ENGLEWOOD, OH 45322 2238

Printable View

Legal

Legal Description

5177 GRILLOT & BOESCH PLAT

Land Use Description

C - OTHER COMMERCIAL STRUCTURES

Acres

25.404

Deed

1999-00327C012

Values

Assessed Values

100%

35%

Land

\$207,680

\$72,690

Improvements

\$11,350

\$3,970

CAUV

\$0

\$0

Total

\$219,030

\$76,660

Tax District/School District

Tax District Name

MORAIN CITY-KETTERING CSD

School District

Current Year Rollback Summary

10% Rollback

2.5% Rollback

Homestead

City of Dayton Credit

Current Year Assessments

M.C.D. MIAMI CONSERVANCY DIST

\$31.80

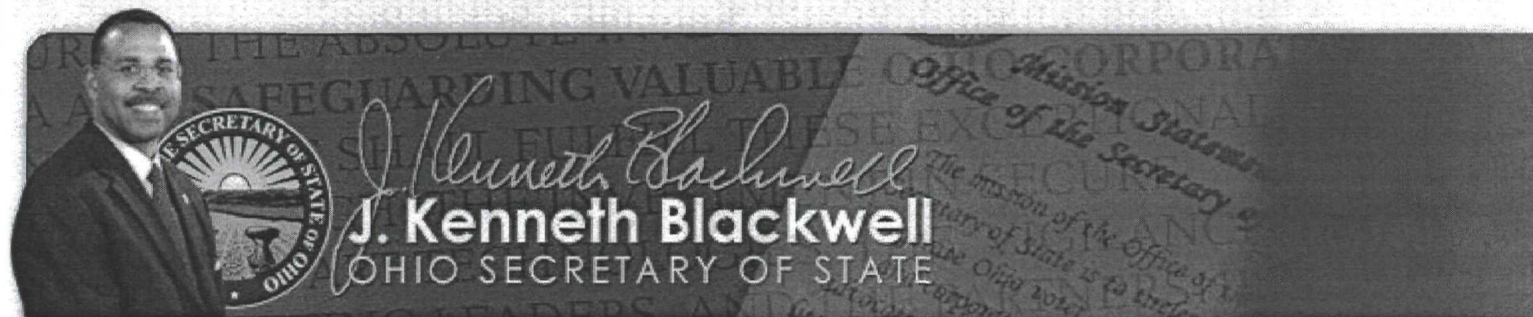
MCD DAM SAFETY INITIATIVE FUND

\$11.46

Tax Summary

Year	Delinquent	Delq.Pmts.	1st Half	Payment	2nd Half	Payment	Total Currently Due
2005	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

C

**Business Filing Information**

Business Name	Filing Type	Filing Date	Doc Id <i>Click for Image !</i>	Doc Id <i>Click for Approval Cert!</i>	Additional Filing Type Info
JIM CITY SALVAGE, INC.	Domestic Articles/For Profit	Dec 01 2000	200034601456	200034601456	

Total Row Count in Report- 1

Row(s) 1 - 1

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DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
12/11/2000	200034601456	DOMESTIC ARTICLES/FOR PROFIT (ARF)	85.00	10.00	.00	.00	.00

Receipt

This is not a bill. Please do not remit payment.

MURR, COMPTON, CLAYPOOLE & MACBETH
401 E. STROOP ROAD
KETTERING, OH 45429

STATE OF OHIO

Ohio Secretary of State, J. Kenneth Blackwell

1195132

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

JIM CITY SALVAGE, INC.

and, that said business records show the filing and recording of:

Document(s)

DOMESTIC ARTICLES/FOR PROFIT

Document No(s):

200034601456



United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of
the Secretary of State at Columbus,
Ohio this 1st day of December,
A.D. 2000.

J. Kenneth Blackwell
Ohio Secretary of State

ARTICLES OF INCORPORATION

OF

JIM CITY SALVAGE, INC.

The undersigned, a citizen of the United States, desiring to form a corporation for profit under the General Corporation Act of Ohio, does hereby certify:

FIRST. The name of said corporation shall be:

JIM CITY SALVAGE, INC.

SECOND. The place in the State of Ohio where its principal office is to be located in 401 E. Stroop Road, Kettering, OH 45429, Montgomery County, Ohio.

THIRD. The purposes for which said corporation is formed are:

A. To engage in any lawful act or activity for which corporations may be formed under Section 1701.01 to 1701.98 inclusive of the Ohio Revised Code.

B. To purchase, acquire, hold, mortgage, pledge, hypothecate, loan money upon, exchange, rent, sell and otherwise deal in personal property and real property of every kind, character and description whatsoever, and wheresoever situated, and any interest therein; in particular, without limiting the generality of the foregoing, to acquire, hold, sell and otherwise deal in, any part or all of the shares of stock, notes, bonds, debentures or any other kind of security, of any other corporation which is conducting a business similar to the business of this corporation or otherwise.

C. To acquire all or any part of the goodwill, rights, property and business of any corporation, association, partnership, firm, trustee, syndicate, combination, organization, other entity or individual, domestic or foreign, heretofore or hereafter engaged in any business, similar to the business of the corporation or otherwise, and to pay for the same in cash or in shares or obligations of the corporation or otherwise, and to hold, utilize, enjoy and in any manner dispose of the whole or any part of their rights and property so acquired, and to assume in connection therewith any liabilities of any such corporation, association, partnership, firm, trustee, syndicate, combination, organization, individual or other entity, domestic or foreign, and to conduct in the State of Ohio, or any other state, territory, locality, or country, the whole or any part of the business thus acquired, provided such business is not prohibited by the laws of the State of Ohio.

D. To do any and all things of every kind and nature whatsoever which may be useful or convenient or possible to do in connection with, as a part of, incidental to, or supplemental to, any of the above enumerated purposes, including the owning, holding, hiring or operating of such property and equipment in and on which and with which to carry on the business of said corporation.

E. The purposes, objects and powers specified in any clause or paragraph contained in this Article THIRD shall be deemed to be independent of all other purposes herein specified and shall not be limited or restricted by reference to or inference from the Articles of Incorporation.

F. To borrow money for any of the purposes of this Corporation and to issue bonds, debentures, notes and other obligations therefor and to secure the same by pledge or mortgage of the whole or any part of the property of this corporation, either real or personal or to issue bonds, debentures, notes or other obligations without any such security.

G. The Corporation reserves the right to change substantially the purposes hereof from time to time.

FOURTH. The maximum number of shares which the corporation is authorized to have outstanding is Eight hundred fifty (850), all of which shall be common shares without par value.

FIFTH. The corporation, through its Board of Directors, shall have the right and power to repurchase any of its outstanding shares at such price and upon such terms as may be agreed upon between the corporation and the selling shareholder or shareholders.

SIXTH. Notwithstanding any provisions of the General Corporation law of Ohio, now or hereafter in force, requiring for any purpose the vote or consent of the holders of shares entitling them to exercise two thirds of the voting power of the corporation or of any class or classes of shares thereof, such action unless otherwise expressly required by statute, may be taken by the vote or consent of the holders of shares entitling them to exercise a majority of the voting power of the corporation or of such class of shares thereof.

SEVENTH. A director or officer of the corporation shall not be disqualified by this office from dealing or contracting with the corporation as a vendor, purchaser, employee, agent or otherwise; nor shall any transaction, contract or act of the corporation be void or voidable or in any way affected or invalidated by reason of the fact that any director or officer of any firm of which such director or officer is a member of any corporation of which such director or officer is a shareholder, director or officer, is in any way interested in such transaction, contract or act,

provided the fact that such director, officer, firm or corporation is so interested shall be disclosed or shall be known to the Board of Directors or such members thereof as shall be present at any meeting of the Board of Directors at which action upon any such contract, transaction or act shall be taken; nor shall any such director or officer be accountable or responsible to the corporation for or in respect of any such transaction, contract or act of the corporation, or for any gains or profits realized by him by reason of the fact that he or any firm of which he is a member, or any corporation of which he is a shareholder, officer or director is interested in such transaction, contract or act and any such director or officer, if such officer is a director, may be counted in determining the existence of a quorum at any meeting of the Board of Directors of the corporation which shall authorize or take action in respect to any such contract, transaction or act, and may vote thereat to authorize, ratify or approve any such contract, transaction or act, with like force and effect as if he or any firm of which he is a member, or any corporation of which he is a shareholder, officer or director, were not interested in such transaction, contract or act.

EIGHTH. The amount of capital with which the corporation will begin business is Five Hundred Dollars (\$500.00).

IN WITNESS WHEREOF, I have hereunto subscribed my name this 17th day of November 2000.



William H. Macbeth

ORIGINAL APPOINTMENT OF AGENT

The undersigned, the incorporator of JIM CITY SALVAGE, INC. hereby appoints WILLIAM H. MACBETH, a resident of Montgomery County, Ohio, as statutory agent upon whom any process, notices or demands required or permitted by statute to be served upon the corporation may be served. The complete address of the agent is 401 E. Stroop Road, Kettering, OH 45429.

William H. Macbeth
Incorporator

ACCEPTANCE OF APPOINTMENT OF AGENT

November 17, 2000

Kettering, Ohio

JIM CITY SALVAGE, INC.

Gentlemen:

I hereby accept appointment as statutory agent for your corporation upon whom process, tax notices or demands may be served.

William H. Macbeth
WILLIAM H. MACBETH

200034601456

DATE	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
12/11/2000	200034601456	DOMESTIC ARTICLES/FOR PROFIT (ARF)	85.00	10.00	.00	.00	.00

Receipt

This is not a bill. Please do not remit payment.

MURR, COMPTON, CLAY POOLE & MACBETH
401 E. STROOP ROAD
KETTERING, OH 45429

**STATE OF OHIO
CERTIFICATE**

Ohio Secretary of State, J. Kenneth Blackwell

1195132

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

JIM CITY SALVAGE, INC.

and, that said business records show the filing and recording of:

Document(s):

DOMESTIC ARTICLES/FOR PROFIT

Document No(s):

200034601456



United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of the
Secretary of State at Columbus, Ohio
this 1st day of December, A.D. 2000.

J. Kenneth Blackwell
Ohio Secretary of State

J44-41-5-20, 21, 23, 24, 26, 31, 32, 125

GENERAL WARRANTY DEED

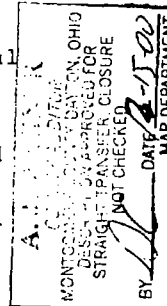
THAT SOUTH DAYTON AUTO SALVAGE, INC., the grantor, a Corporation organized and existing under the laws of the State of Ohio, for valuable consideration paid, grant with general warranty covenants, to JIM CITY SALVAGE, INC., whose tax mailing address is 2335 East River Road, Moraine, Ohio 45439, the following described real estate:

Situate in the City of Moraine, County of Montgomery and State of Ohio and being Lots Numbered 3256, 3259, 3260, 3261, 3262, 3263, 3753 and 4423 of the consecutive numbers of lots on the revised plat of the said City of Moraine, Ohio.

EXCEPTING THEREFROM, the real estate described in Exhibit "A" attached hereto.

This conveyance is made subject to all legal highways and easements, all restrictions, conditions and conveyances of record, all zoning restrictions, and all taxes and assessments not yet due, or not yet due and payable.

Previous deed reference: Microfiche Number 96-0058 B12, of the Records of Montgomery County, Ohio.



and all the ESTATE, RIGHT, TITLE AND INTEREST of the said grantors in and to said premises; TO HAVE AND TO HOLD the same, with all privileges and appurtenances thereunto belonging to said grantee, her heirs and assigns forever.

And the said SOUTH DAYTON AUTO SALVAGE, INC. does hereby COVENANT AND WARRANT that the title so conveyed is CLEAR AND FREE OF ALL ENCUMBRANCES, made by the grantor, that they will DEFEND the same against all lawful claims of all persons whomsoever except taxes and assessments, which the grantee assumes and agrees to pay as part of the consideration for these presents.

IN WITNESS WHEREOF, the said SOUTH DAYTON AUTO SALVAGE, INC. grantor has caused its corporate name to be hereunto subscribed by William J. Zechar, as President,

thereunto duly authorized by resolution of its Board of
Directors, this 8th day of December, 2000.

Signed and acknowledged
in the presence of:

SOUTH DAYTON AUTO SALVAGE, INC.

Richard G. Denny

By: William J. Zechar, Pres.

William H. Denny

STATE OF OHIO)

COUNTY OF MONTGOMERY)

SS:

BE IT REMEMBERED, that on this 8th day of
December, 2000, before me, the subscriber, a Notary Public in
and for said county, personally came WILLIAM J. ZECHAR, as
President of SOUTH DAYTON AUTO SALVAGE, INC., the corporation,
whose name is subscribed to and which executed the foregoing
instrument, and for himself and as such officer, and for and on
behalf of said corporation, acknowledged the signing and
execution of said instrument; that he executed said instrument
by authority of the Board of Directors, and on behalf of said
corporation; and that the signing and execution of said
instrument is his free and voluntary act and deed, his free act
and deed as such officer, and the free and voluntary act and
deed of said corporation, for the uses and purposes in said
instrument mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my
name and affixed my seal on this day and year aforesaid.

William H. Denny
Notary Public

Notary Public
My Commission Expires on _____ day of _____
Section 14703 R.C.

Prepared by:
Richard G. Denny, Atty.
110 E. Central Avenue
Miamisburg, Ohio 45342
Phone: (937) 866-8454

(LEGAL DESCRIPTION - EXHIBIT "A")

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL ESTATE:

Situate in the City of Moraine, Montgomery County, Ohio and being part of Lot 4423 of the consecutive numbers of lots on the revised plat of said City, and being proposed Lot 4610, said parcel being more particularly described as follows:

Beginning at an iron pin at the northwest corner of Lot 3207 of the consecutive lot numbers on the revised plat of the City of Moraine; thence from said point of beginning, S. 4 deg. 15' 39" W. with the west line of said Lot 3207 a distance of 234.59 feet to an iron pin at the southwest corner of Lot 3252; thence S. 44 deg. 17' 57" W. with the west line of 3254 a distance of 184.79 feet to an iron pin; thence N. 46 deg. 12' 00" W. with a new division line a distance of 300.69 feet to an iron pin in the east line of Lot 3742; thence N. 44 deg. 17' 57" E. with said east line a distance of 242.97 feet to an iron pin at the northwest corner of Lot 4423; thence S. 85 deg. 20' 00" E. with the north line of said Lot 4423 a distance of 194.47 feet to the place of beginning, containing 2.000 acres, more or less.

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Owner Name**Name *

Type in: LastName FirstName

Filter By

Tax Year

 ▼**Options**Sort by: ▼ ▼Results/page: ▼

* required

Click rows to view property details

Parcel ID ▲	Owner	Parcel Location
J44 04105 0020	JIM CITY SALVAGE INC	2335 EAST RIVER RD
J44 04105 0021	JIM CITY SALVAGE INC	2373 EAST RIVER RD
J44 04105 0023	JIM CITY SALVAGE INC	2365 OFF E RIVER RD
J44 04105 0024	JIM CITY SALVAGE INC	2369 OFF N W OF E
J44 04105 0026	JIM CITY SALVAGE INC	2335 EAST RIVER RD
J44 04105 0031	JIM CITY SALVAGE INC	EAST RIVER RD
J44 04105 0032	JIM CITY SALVAGE INC	EAST RIVER RD

Results

Results F

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▶ Map

PARID: J44 04105 0020

JUR: 000

JIM CITY SALVAGE INC

CITYNAME:

NBHD: C1300000

ROLL: RP

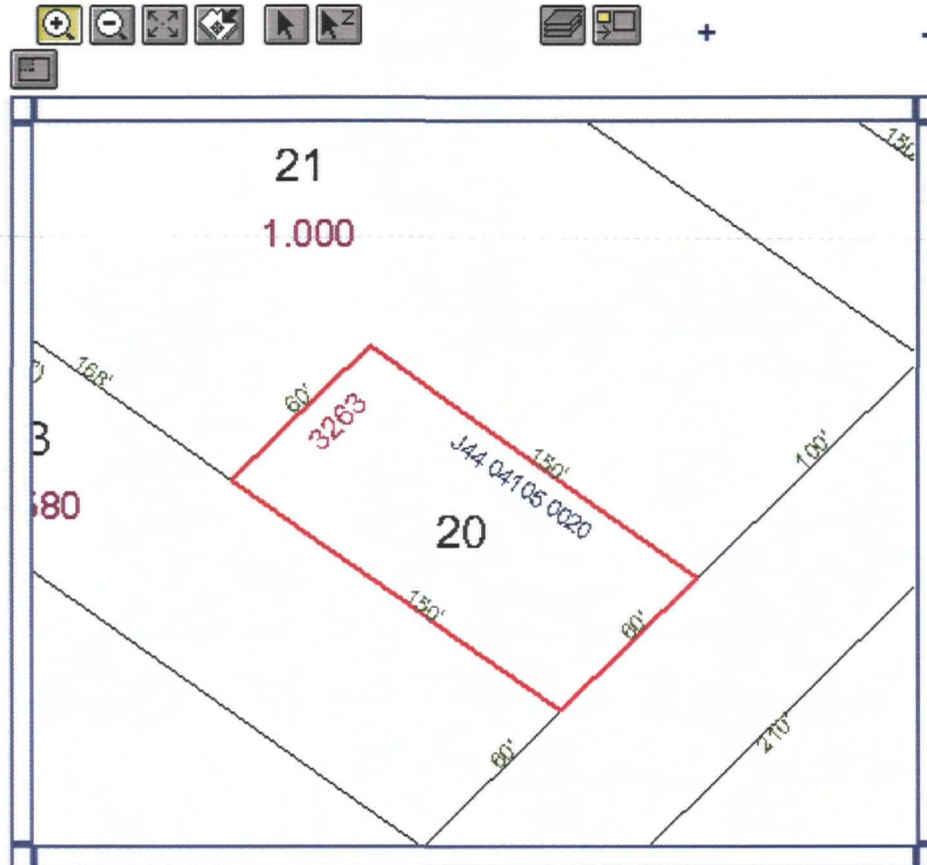
2335 EAST RIVER RD

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JUR: 000
JIM CITY SALVAGE INC

CITYNAME: **NBHD: C1300000** **ROLL: RP**
2335 EAST RIVER RD

Tax Year:

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Variance

Owner

Name JIM CITY SALVAGE INC

Mailing Address 2335 E RIVER RD

City, State, Zip DAYTON, OH 45439 1651

Mailing

Name JIM CITY SALVAGE INC

Printable View

Mailing Address 2335 E RIVER RD

City, State, Zip DAYTON, OH 45439 1651

Legal

Legal Description 3263

Land Use Description C - COMMERCIAL WAREHOUSES

Acres .17

Deed 2000-00857D009

Sales

Date	Sale Price	Seller	Buyer
04-MAY-88	\$149,000		
23-JAN-96	\$300,000		
18-DEC-00	\$130,000	SOUTH DAYTON AUTO SALVAGE	JIM CITY SALVAGE INC

Values

Assessed Values	100%	35%
Land	\$5,100	\$1,790
Improvements	\$37,670	\$13,180
CAUV	\$0	\$0
Total	\$42,770	\$14,970

Tax District/School District

Tax District Name MORaine CITY-KETTERING CSD
 School District

Current Year Rollback Summary

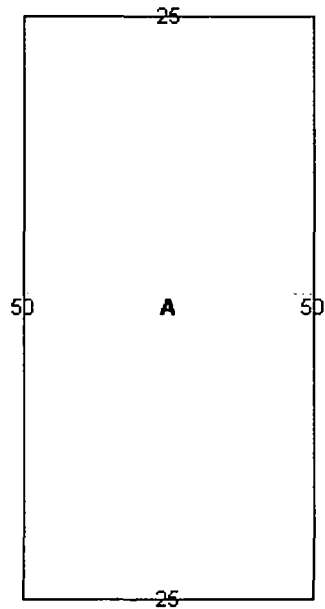
10% Rollback
 2.5% Rollback
 Homestead
 City of Dayton Credit

Current Year Assessments

M.C.D. MIAMI CONSERVANCY DIST	\$6.74
MCD DAM SAFETY INITIATIVE FUND	\$2.44

Tax Summary

Year	Delinquent	Delq.Pmts.	1st Half	Payment	2nd Half	Payment	Total Currently Due
2005	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00



A 1-ULTI USE STORAGE, 1250 Sq. Ft.

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PARID: J44 04105 0021

JUR: 000

CITYNAME:

NBHD: C1300000

ROLL: RP

JIM CITY SALVAGE INC

2373 EAST RIVER RD



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JUR: 000
JIM CITY SALVAGE INC

CITYNAME:

NBHD: C1300000

ROLL: RP

2373 EAST RIVER RD



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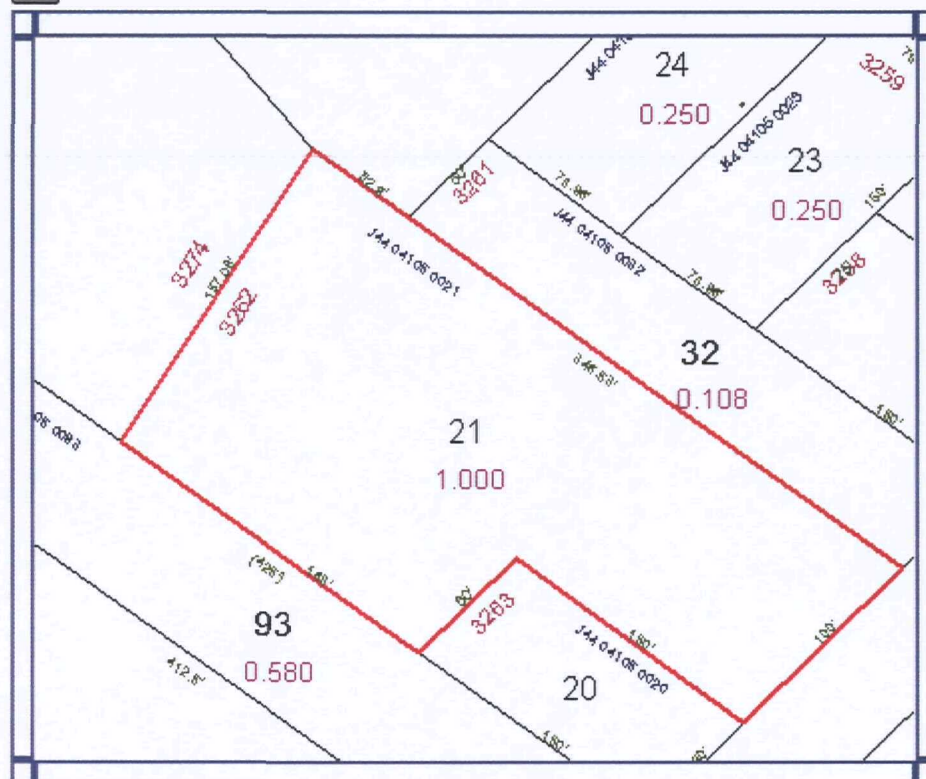
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Tax Year:

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Variance

Printable View

Owner

Name

JIM CITY SALVAGE INC

Mailing Address

2335 E RIVER RD

City, State, Zip

DAYTON, OH 45439 1651

Mailing

Name

JIM CITY SALVAGE INC

Mailing Address

2335 E RIVER RD

City, State, Zip

DAYTON, OH 45439 1651

Legal

Legal Description

3262

Land Use Description

C - OTHER COMMERCIAL STRUCTURES

Acres

.99

Deed

2000-00857D009

Sales

Date	Sale Price	Seller	Buyer
18-DEC-00	\$130,000	SOUTH DAYTON AUTO SALVAGE	JIM CITY SALVAGE INC

Values

Assessed Values	100%	35%
Land	\$29,700	\$10,400
Improvements	\$14,760	\$5,170
CAUV	\$0	\$0
Total	\$44,460	\$15,560

Tax District/School District

Tax District Name

MORaine CITY-KETTERING CSD

School District

Current Year Rollback Summary

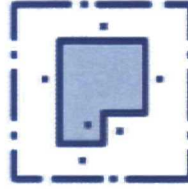
10% Rollback
 2.5% Rollback
 Homestead
 City of Dayton Credit

Current Year Assessments

M.C.D. MIAMI CONSERVANCY DIST	\$7.02
MCD DAM SAFETY INITIATIVE FUND	\$2.54

Tax Summary

Year	Delinquent	Delq.Pmts.	1st Half	Payment	2nd Half	Payment	Total Currently Due
2005	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00



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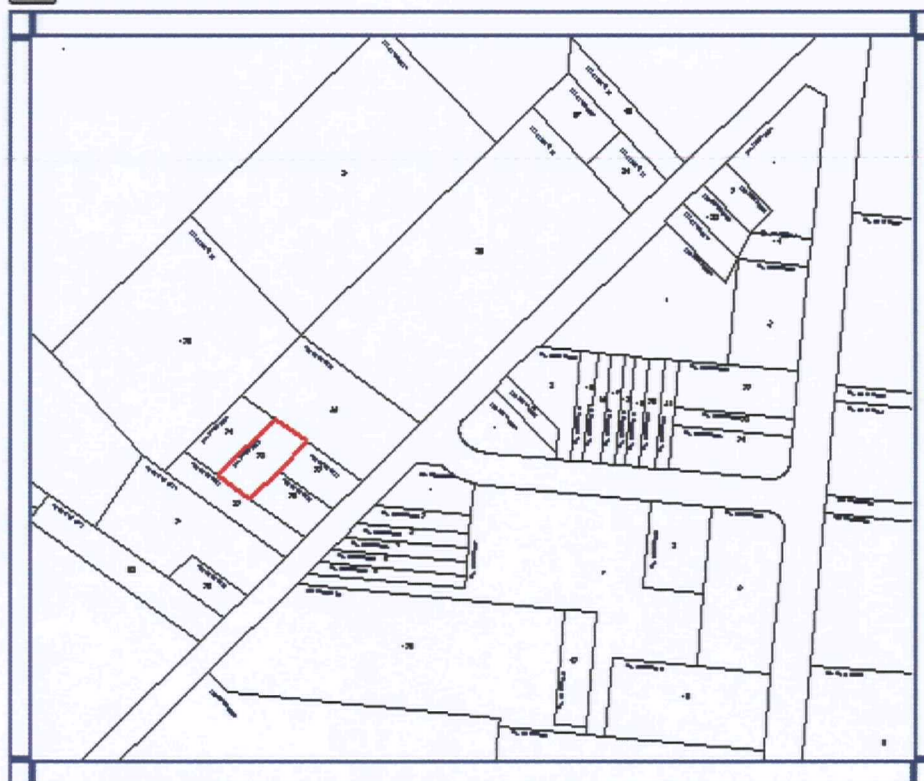
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JIM CITY SALVAGE INC

CITYNAME:

NBHD: C1300000

ROLL: RP

2365 OFF E RIVER RD

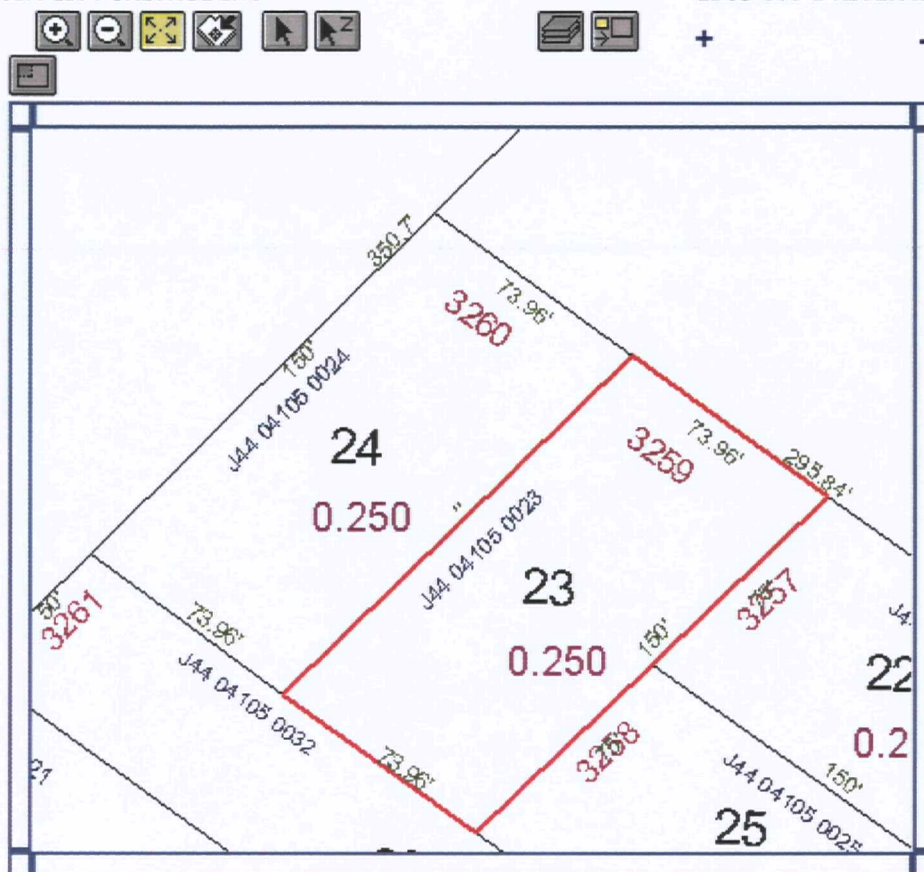
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JUR: 000

JIM CITY SALVAGE INC

CITYNAME:

NBHD: C1300000

ROLL: RP

Tax Year:

2365 OFF E RIVER RD

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Variance

Owner

Name

JIM CITY SALVAGE INC

Mailing Address

2335 E RIVER RD

City, State, Zip

DAYTON, OH 45439 1651

Mailing

Name

JIM CITY SALVAGE INC

Mailing Address

2335 E RIVER RD

City, State, Zip

DAYTON, OH 45439 1651

Printable View

Legal

Legal Description

3259

Land Use Description

C - OTHER COMMERCIAL STRUCTURES

Acres

.25

Deed

2000-00857D009

Sales

Date	Sale Price	Seller	Buyer
18-DEC-00	\$130,000	SOUTH DAYTON AUTO SALVAGE	JIM CITY SALVAGE INC

Values

Assessed Values	100%	35%
Land	\$7,500	\$2,630
Improvements	\$0	\$0
CAUV	\$0	\$0
Total	\$7,500	\$2,630

Tax District/School District

Tax District Name

MORaine CITY-KETTERING CSD

School District

Current Year Rollback Summary

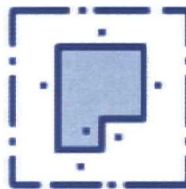
10% Rollback
 2.5% Rollback
 Homestead
 City of Dayton Credit

Current Year Assessments

M.C.D. MIAMI CONSERVANCY DIST	\$2.00
MCD DAM SAFETY INITIATIVE FUND	\$0.44

Tax Summary

Year	Delinquent	Delq.Pmts.	1st Half	Payment	2nd Half	Payment	Total Currently Due
2005	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00



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PARID: J44 04105 0024**JUR: 000****JIM CITY SALVAGE INC****CITYNAME:****NBHD: C1300000****ROLL: RP****2369 OFF N W OF E**

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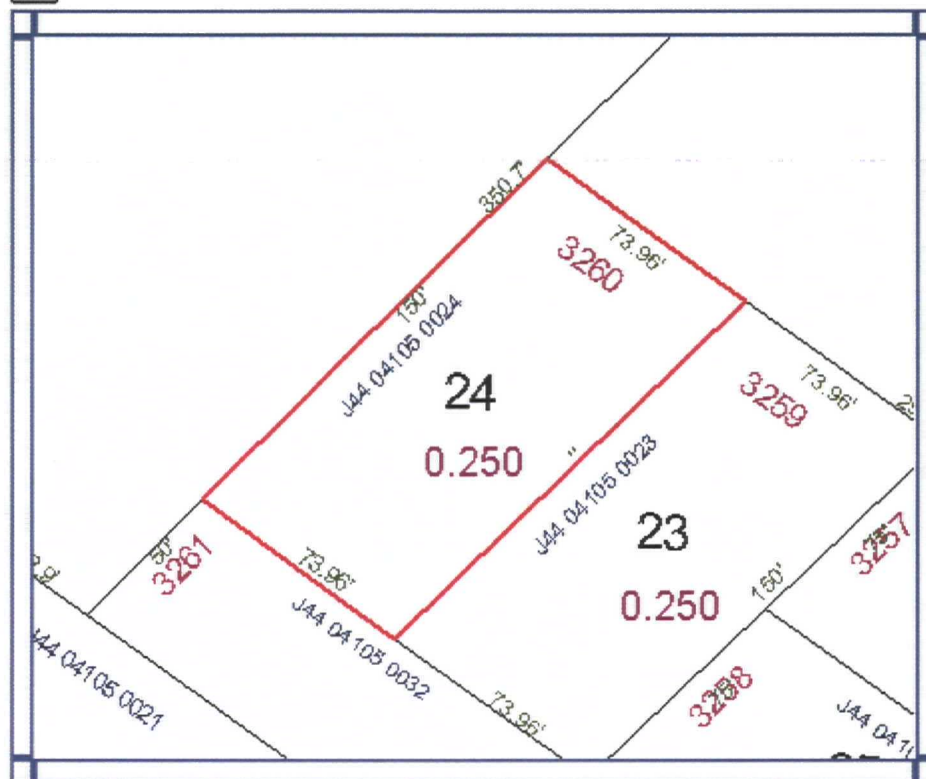
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JUR: 000

JIM CITY SALVAGE INC

CITYNAME:

NBHD: C1300000

ROLL: RP
2369 OFF N W OF E

Tax Year:

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Printable View

Owner

Name

JIM CITY SALVAGE INC

Mailing Address

2335 E RIVER RD

City, State, Zip

DAYTON, OH 45439 1651

Mailing

Name

JIM CITY SALVAGE INC

Mailing Address

2335 E RIVER RD

City, State, Zip

DAYTON, OH 45439 1651

Legal

Legal Description

3260

Land Use Description

C - OTHER COMMERCIAL STRUCTURES

Acres

.25

Deed

2000-00857D009

Sales

Date	Sale Price	Seller	Buyer
18-DEC-00	\$130,000	SOUTH DAYTON AUTO SALVAGE	JIM CITY SALVAGE INC

Values

Assessed Values	100%	35%
Land	\$7,500	\$2,630
Improvements	\$0	\$0
CAUV	\$0	\$0
Total	\$7,500	\$2,630

Tax District/School District

Tax District Name

MORaine CITY-KETTERING CSD

School District

Current Year Rollback Summary

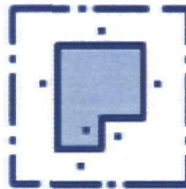
10% Rollback
2.5% Rollback
Homestead
City of Dayton Credit

Current Year Assessments

M.C.D. MIAMI CONSERVANCY DIST	\$2.00
MCD DAM SAFETY INITIATIVE FUND	\$0.44

Tax Summary

Year	Delinquent	Delq.Pmts.	1st Half	Payment	2nd Half	Payment	Total Currently Due
2005	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00



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PARID: J44 04105 0026**JUR: 000****JIM CITY SALVAGE INC****CITYNAME:****NBHD: C1300000****ROLL: RP****2335 EAST RIVER RD**

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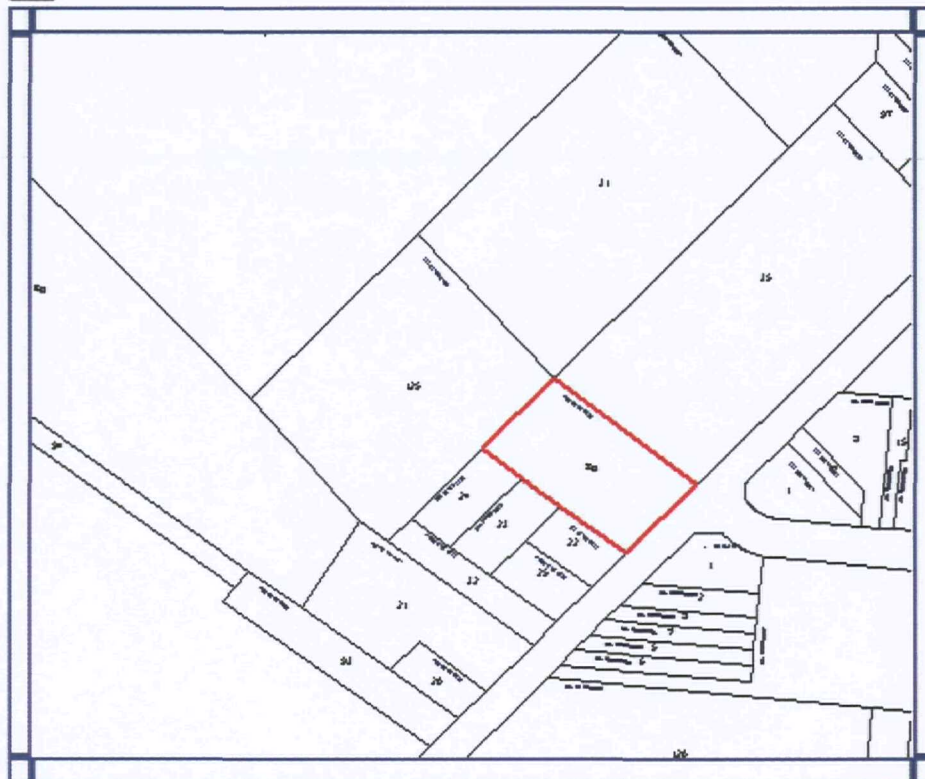
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JUR: 000

JIM CITY SALVAGE INC

CITYNAME:

NBHD: C1300000

ROLL: RP

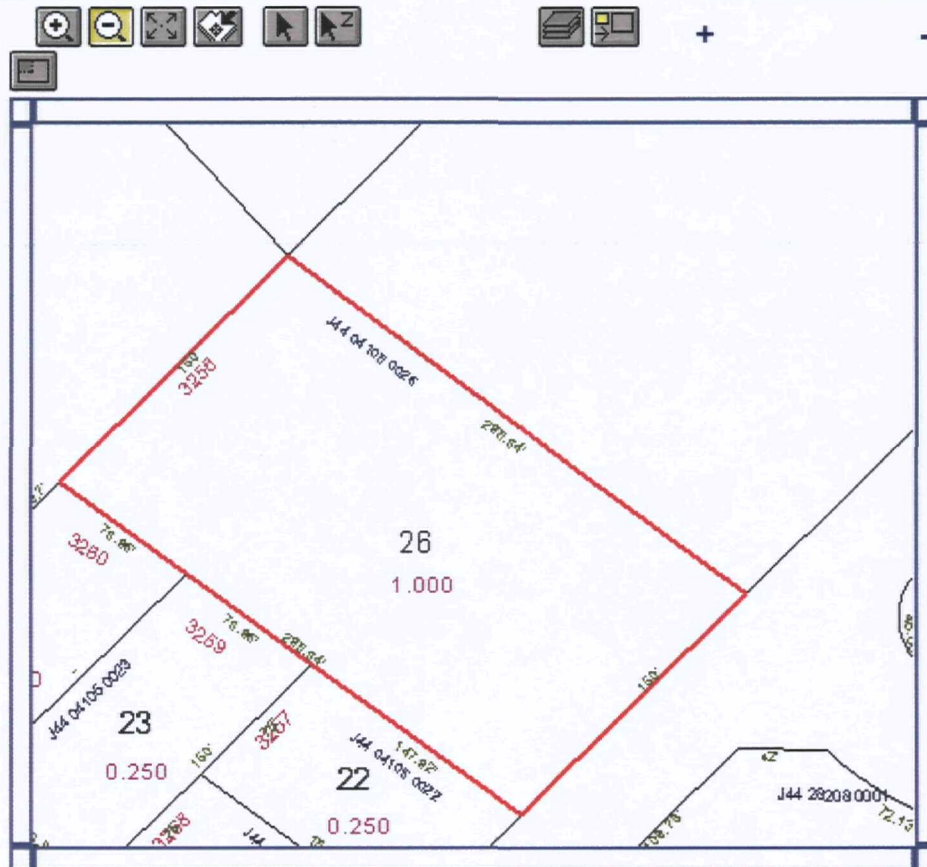
2335 EAST RIVER RD

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JUR: 000

JIM CITY SALVAGE INC

CITYNAME:

NBHD: C1300000

ROLL: RP

Tax Year:

2335 EAST RIVER RD

CURRENT

Owner

Name

JIM CITY SALVAGE INC

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Mailing Address

2335 E RIVER RD

Variance

City, State, Zip

DAYTON, OH 45439 1651

Mailing

Name

JIM CITY SALVAGE INC

Printable Version

Mailing Address

2335 E RIVER RD

City, State, Zip

DAYTON, OH 45439 1651

Legal

Legal Description

3256

Land Use Description

C - COMMERCIAL WAREHOUSES

Acres

.92

Deed

2000-00857D009

Sales

Date	Sale Price	Seller	Buyer
08-JUL-92	\$200,000		
18-DEC-00	\$130,000	SOUTH DAYTON AUTO SALVAGE	JIM CITY SALVAGE INC

Values

Assessed Values	100%	35%
Land	\$27,600	\$9,660
Improvements	\$63,790	\$22,330
CAUV	\$0	\$0
Total	\$91,390	\$31,990

Tax District/School District

Tax District Name

MORaine CITY-KETTERING CSD

School District

Current Year Rollback Summary

10% Rollback

2.5% Rollback

Homestead

City of Dayton Credit

Current Year Assessments

M.C.D. MIAMI CONSERVANCY DIST

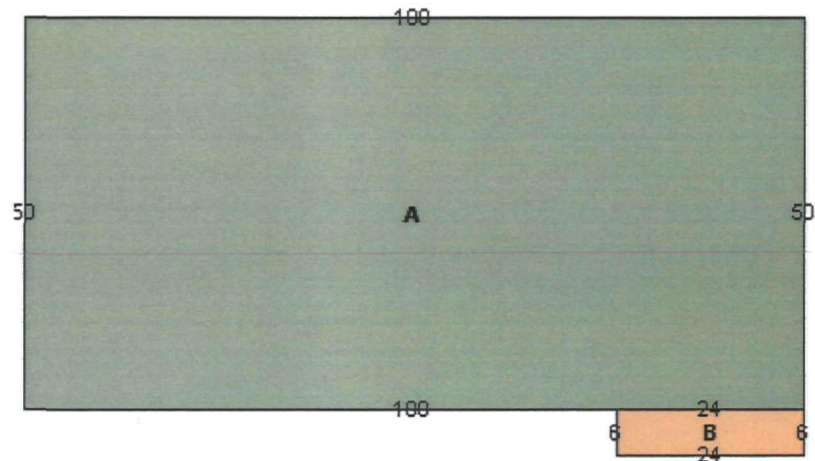
\$14.40

MCD DAM SAFETY INITIATIVE FUND

\$5.20

Tax Summary

Year	Delinquent	Delq.Pmts.	1st Half	Payment	2nd Half	Payment	Total Currently Due
2005	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00



A 1-ULTI USE STORAGE, 5000 Sq. Ft. **B** 1-CANOPY ONLY, 0 Sq. Ft.

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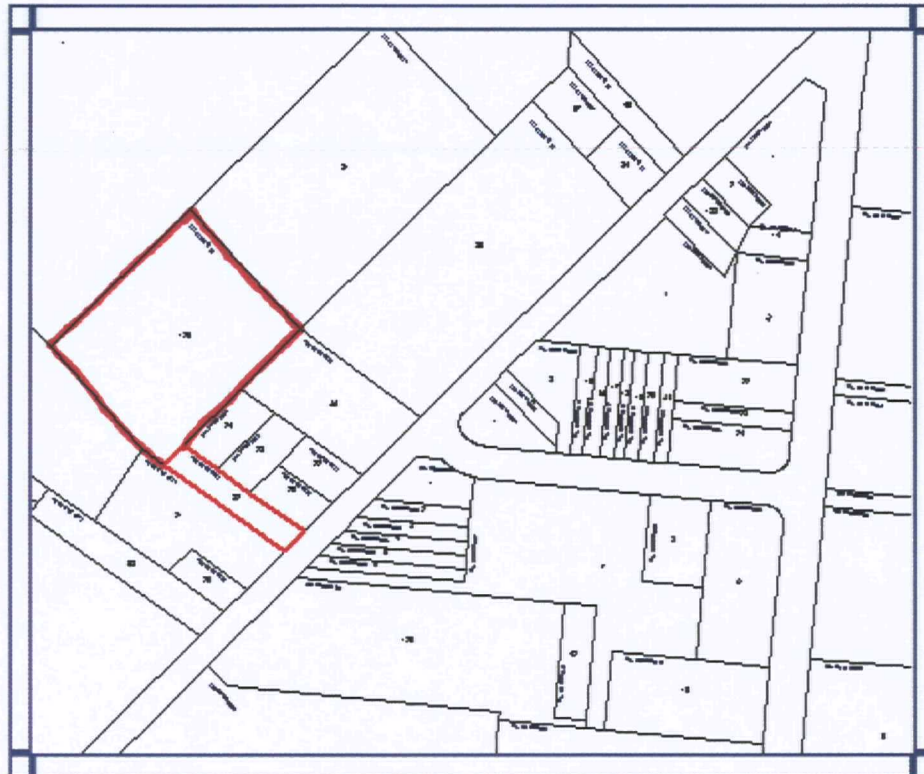
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- Map

PARID: J44 04105 0032**JUR: 000****JIM CITY SALVAGE INC****CITYNAME:****NBHD: C1300000****ROLL: RP****EAST RIVER RD**

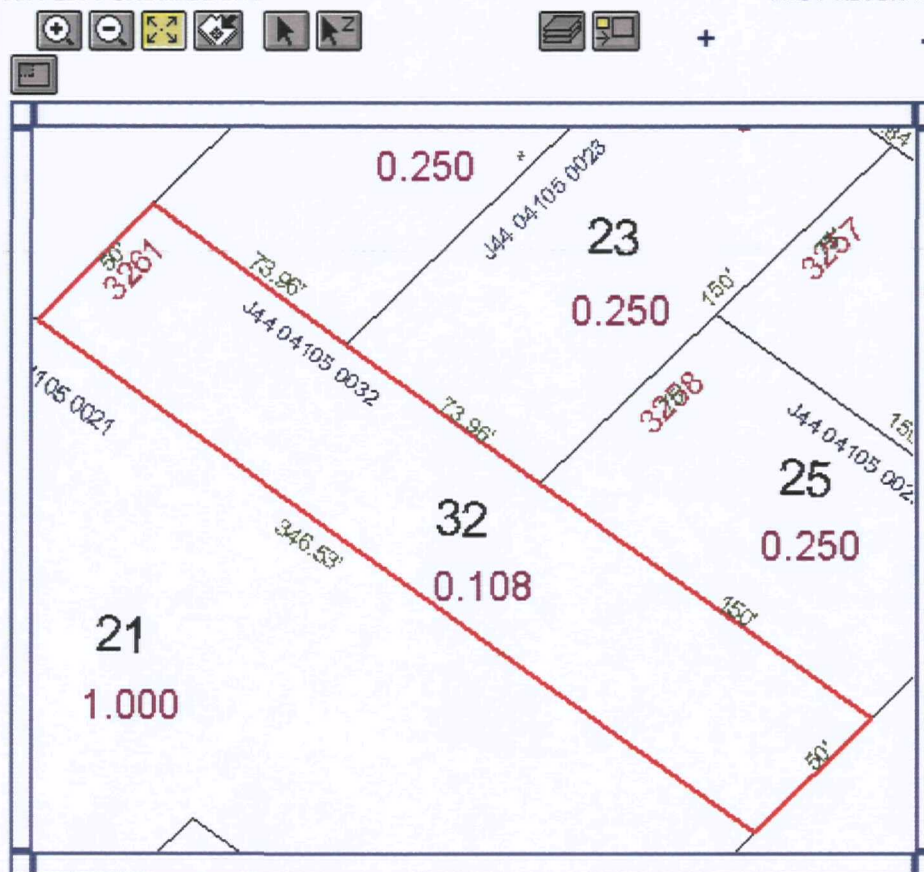
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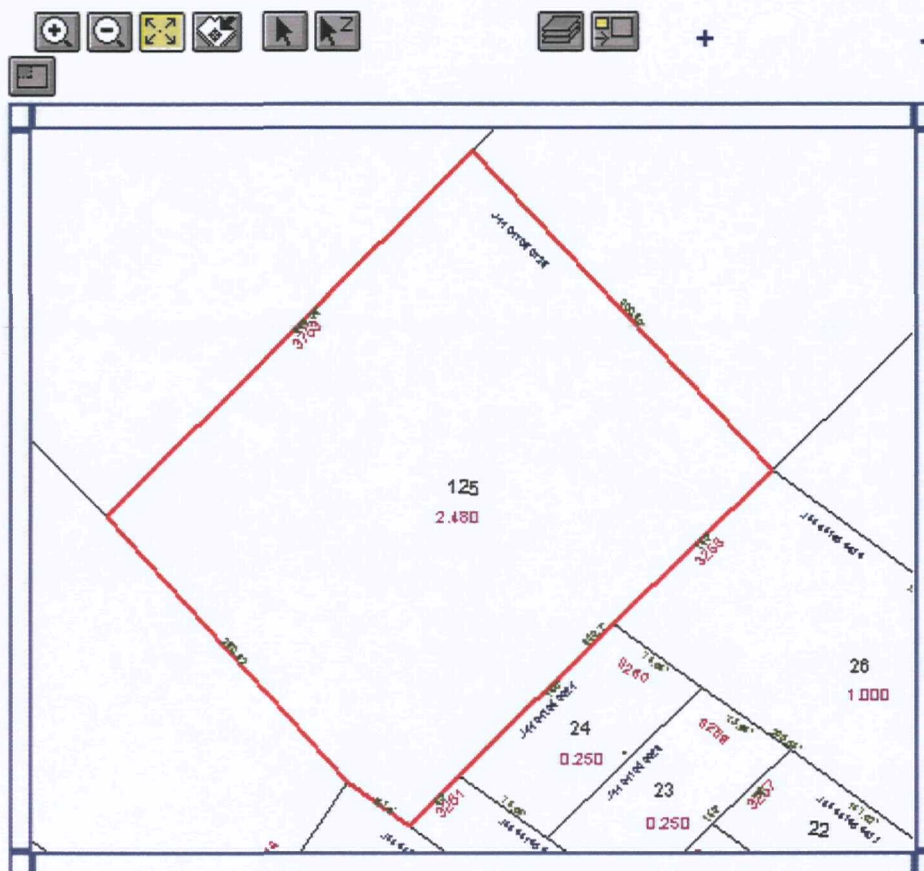
MONTGOMERY COUNTY

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PARID: J44 04105 0032**JUR: 000****JIM CITY SALVAGE INC****CITYNAME:****NBHD: C1300000****ROLL: RP
EAST RIVER RD**

Tax Year:

CURRENT

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Variance

Printable View

Owner

Name

JIM CITY SALVAGE INC

Mailing Address

2335 E RIVER RD

City, State, Zip

DAYTON, OH 45439 1651

Mailing

Name

JIM CITY SALVAGE INC

Mailing Address

2335 E RIVER RD

City, State, Zip

DAYTON, OH 45439 1651

Legal

Legal Description

3261,3753

Land Use Description

41-5-125

Acres

C - COMMERCIAL VACANT LAND

Deed

2.57

2000-00857D009

Sales

Date	Sale Price	Seller	Buyer
18-DEC-00	\$130,000	SOUTH DAYTON AUTO SALVAGE	JIM CITY SALVAGE INC

Values

Assessed Values	100%	35%
Land	\$77,100	\$26,990
Improvements	\$0	\$0
CAUV	\$0	\$0
Total	\$77,100	\$26,990

Tax District/School District

Tax District Name

MORaine CITY-KETTERING CSD

School District

Current Year Rollback Summary

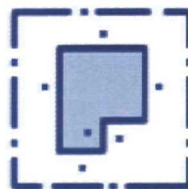
10% Rollback
 2.5% Rollback
 Homestead
 City of Dayton Credit

Current Year Assessments

M.C.D. MIAMI CONSERVANCY DIST	\$12.16
MCD DAM SAFETY INITIATIVE FUND	\$4.38

Tax Summary

Year	Delinquent	Delq.Pmts.	1st Half	Payment	2nd Half	Payment	Total Currently Due
2005	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00



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for this record

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PARID: J44 04105 0031**JUR: 000****JIM CITY SALVAGE INC****CITYNAME:****NBHD: C1300000****ROLL: RP****EAST RIVER RD**

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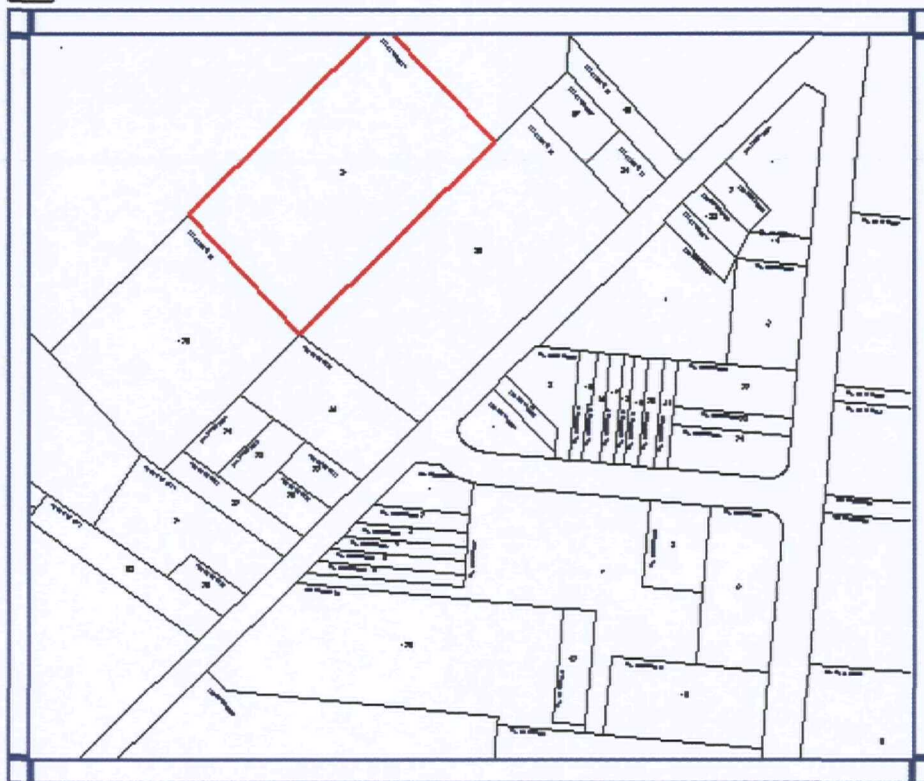
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PARID: J44 04105 0031

JUR: 000

JIM CITY SALVAGE INC

CITYNAME:

NBHD: C1300000

ROLL: RP
EAST RIVER RD

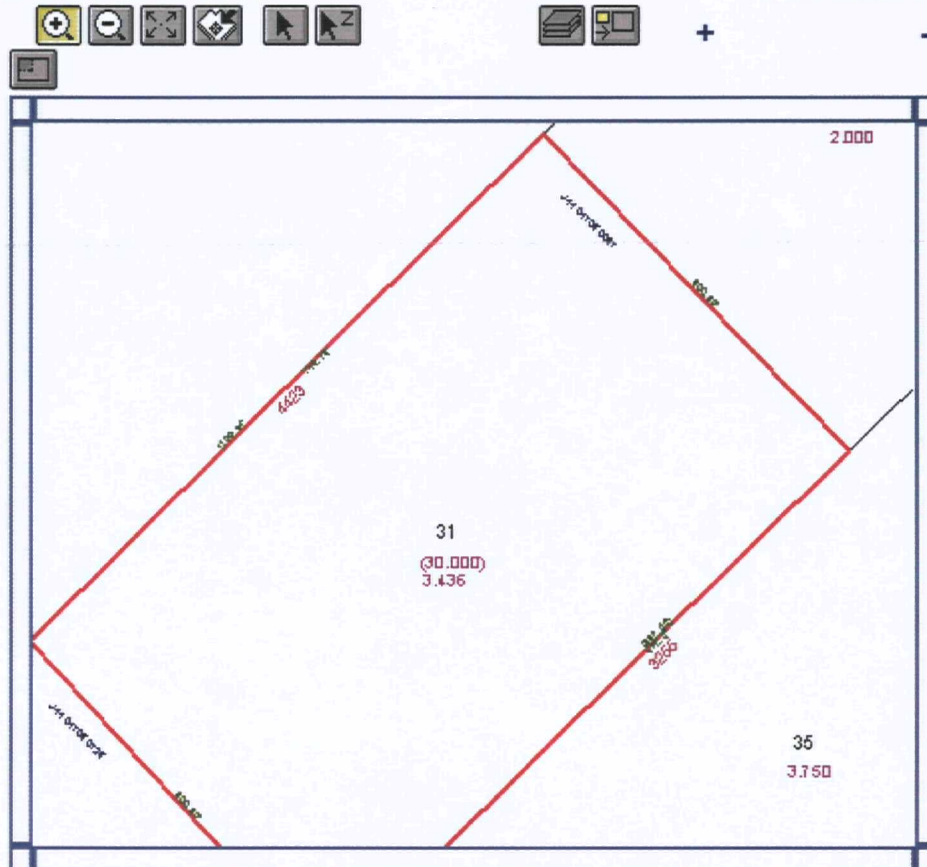
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PARID: J44 04105 0031
JUR: 000
JIM CITY SALVAGE INC**CITYNAME:****NBHD: C1300000****ROLL: RP** **CURRE**
EAST RIVER RD **6**

+

-

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Variance



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PARID: J44 04105 0031

JUR: 000

JIM CITY SALVAGE INC

CITYNAME:

NBHD: C1300000

ROLL: RP
EAST RIVER RD

Tax Year:

CURRENT

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Variance

Printable View

Owner

Name

JIM CITY SALVAGE INC

Mailing Address

2335 E RIVER RD

City, State, Zip

DAYTON, OH 45439 1651

Mailing

Name

JIM CITY SALVAGE INC

Mailing Address

2335 E RIVER RD

City, State, Zip

DAYTON, OH 45439 1651

Legal

Legal Description

4423 PT

Land Use Description

C - COMMERCIAL VACANT LAND

Acres

3.436

Deed

2000-00857D009

Sales

Date	Sale Price	Seller	Buyer
12-NOV-85	\$148,000		
18-DEC-00	\$130,000	SOUTH DAYTON AUTO SALVAGE	JIM CITY SALVAGE INC

Values

Assessed Values	100%	35%
Land	\$103,080	\$36,080
Improvements	\$0	\$0
CAUV	\$0	\$0
Total	\$103,080	\$36,080

Tax District/School District

Tax District Name

MORAIN CITY-KETTERING CSD

School District

Current Year Rollback Summary

10% Rollback

2.5% Rollback

Homestead

City of Dayton Credit

Current Year Assessments

M.C.D. MIAMI CONSERVANCY DIST

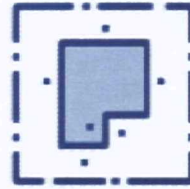
\$16.24

MCD DAM SAFETY INITIATIVE FUND

\$5.86

Tax Summary

Year	Delinquent	Delq.Pmts.	1st Half	Payment	2nd Half	Payment	Total Currently Due
2005	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00



Sorry, no sketch available
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PARD: 144 04101 0078

JUR: 000

CITYNAME:

NBHD: C1300000

ROLL: RP

RIVERBEND PROPERTIES LTD

2350 ARBOR BLVD

CURRENT RECOR

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DATA PANEL

Variance



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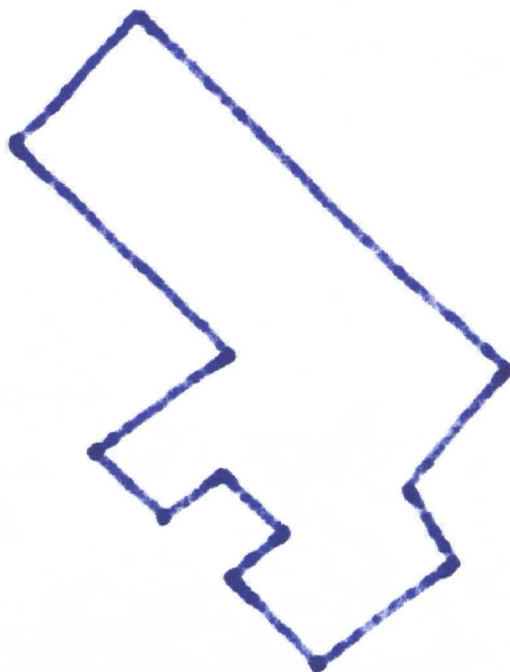
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Jim City Salvage, Inc.
Transactions Involving Salvage Yard Properties

Grantor	Grantee	Date	Deed # / Cross Ref.	Moraine Lot #s	Tax Parcel #
Horace J. & Frances E. Boesch (H&W); Paulita M. & David E. Smith (H&W); and Barbara L. & Bernard H. Wannemacher (H&W)	Ollie E. Lacy and Judy A. Lacy	11/12/81	Deed 81-016718 Ref. 81-0502 D07	3/16 th of Lot 3252 & Pt Lot 3276, now known as Lot 4423	J44-41-5-40 J44-41-5-31
Cyril J. and Margaret C. Grillot (H&W), and Kathryn A. Boesch	Ollie E. Lacy and Judy A. Lacy	11/12/81	Deed 81-016719 Ref. 81-0502 D10	13/16 th of Lot 3252 & Pt Lot 3276, now known as Lot 4423	J44-41-5-40 J44-41-5-31
Judith Lacy	Ollie E. Lacy	03/16/88	Deed 88-004305 Ref. 88-0135	Lot 3252 Lot 4423	J44-41-5-40 J44-41-5-31
Doyle T. Roberson and Virginia R. Roberson	Ollie E. Lacy	05/04/88	Deed 88-007937 Ref. 88-0239 E10	Lot 3256 Lot 3259 Lot 3260 Lot 3261 Lot 3262 Lot 3263 Lot 3753	J44-41-5-26 J44-41-5-23 J44-41-5-24 J44-41-5-32 J44-41-5-21 J44-41-5-20 J44-41-5-125
Ollie E. Lacy	Ronald Barnett	08/09/89	Deed 89-014632 Ref. 89-0426 C12	Pt Lot 4423, now proposed lot 4610	J44-41-5-136

Jim City Salvage, Inc.
Transactions Involving Salvage Yard Properties

Grantor	Grantee	Date	Deed # / Cross Ref.	Moraine Lot #s	Tax Parcel #
Pauline Lacy, Executrix of Ollie E. Lacy Estate	Ronald Barnett	02/19/91	Deed 91-002684 Ref. 91-0082 E08	Lot 4610	J44-41-5-136
Pauline Lacy	Sharon Roe	07/08/92	Deed 92-013423 Ref. 92-0394 C12	Lot 3252 Lot 3256 Lot 3259 Lot 3260 Lot 3261 Lot 3262 Lot 3263 Lot 3753 Pt Lot 4423	J44-41-5-40 J44-41-5-26 J44-41-5-23 J44-41-5-24 J44-41-5-32 J44-41-5-21 J44-41-5-20 J44-41-5-125 J44-41-5-31
Sharon Roe	Ronald Barnett	11/04/92	Deed 92-022066 Ref. 92-0644 A10	Lot 3252	J44-41-5-40
Sharon Roe	South Dayton Auto Salvage, Inc.	01/24/96	Deed 96-001193 Ref. 96-0058 B12	Lot 3256 Lot 3259 Lot 3260 Lot 3261 Lot 3262 Lot 3263 Lot 3753 Pt Lot 4423	J44-41-5-26 J44-41-5-23 J44-41-5-24 J44-41-5-32 J44-41-5-21 J44-41-5-20 J44-41-5-125 J44-41-5-31
South Dayton Auto Salvage, Inc.	Jim City Salvage, Inc.	12/20/00	Deed 00-130164 Ref. 00-0857 D09	Lot 3256 Lot 3259 Lot 3260 Lot 3261 Lot 3262 Lot 3263 Lot 3753 Pt Lot 4423	J44-41-5-26 J44-41-5-23 J44-41-5-24 J44-41-5-32 J44-41-5-21 J44-41-5-20 J44-41-5-125 J44-41-5-31

J44-41-5-40, 31
MORaine ND.

16718

GENERAL WARRANTY DEED

HORACE J. BOESCH, JR. AND FRANCES E. BOESCH, husband and wife; and PAULITA M. MILLER SMITH AND DAVID E. SMITH, husband and wife; and BARBARA L. WANNEMACHER AND BERNARD H. WANNEMACHER, husband and wife, of Montgomery County, Ohio, for valuable consideration paid, grants, with general warranty covenants to OLLIE E. LACY AND JUDY A. LACY, whose tax mailing address is 2391 East River Road, Moraine, Ohio 45439, the following real property:

R.3258 #02 55.60

An undivided Three-Sixteenths (3/16 ths) interest in the following:

Situate in the City of Moraine, County of Montgomery and State of Ohio, and being Lot Numbered 3252 of the consecutive numbers of lots on the revised plat of the said City of Moraine.

Also an undivided Three-Sixteenths (3/16 ths) interest in the following:

Situate in the State of Ohio, County of Montgomery, City of Moraine, and being a part of Lot Number 3276 of the consecutive numbers of lots on the plat of said City.

Beginning at the northeast corner of said part Lot Number 3276, which is also the northwest corner of Lot Number 3207, and in the south line of Lot Number 3277; thence, with the east line of part Lot Number 3276, and the west line of Lot 3207 and the west line of Lot Number 3252, South 4° 15' 39" West a distance of 234.59 feet to the southwest corner of Lot Number 3252; thence, with the southeasterly line of part Lot Number 3276 and the northwesterly line of Lot Numbers 3254 and 3255, South 44° 17' 57" West a distance of 682.55 feet to the northeast corner of Lot Number 3753; thence with the northeasterly line of Lot Number 3753, North 46° 12' West a distance of 300.69 feet to a point in the southeasterly line of Lot Number 3742; thence, with the southeasterly line of Lot Number 3742, North 44° 17' 57" East a distance of 740.73 feet to a point in the north line of part Lot Number 3276 and in the south line of Lot Number 3277; thence, with the north line of part Lot Number 3276 and the south line of Lot Number 3277, South 85° 20' East a distance of 194.47 feet to the place of beginning, containing 5.436 acres, more or less.

Said premises now known as Lot Numbered 4423 of the consecutive numbers of lots on the revised plat of the said City of Moraine.

Subject to all legal highways, easements, restrictions and agreements of record.

FRED F. FRECKER
COUNTY ENGINEER
MONTGOMERY COUNTY, DAYTON, OHIO
DESCRIPTION AND OWNERSHIP CHECKED
AND APPROVED FOR STRAIGHT TRANSFER
CLOSURE NOT CHECKED
BY *[Signature]* DATE 10/22/81
MAR. DEPARTMENT

NOV 12 1981

TRANSFERRED
RECORDED

VICKI D. PEGG
RECORDER

63

NOV 12 10 05 AM '81

MONTGOMERY CO OHIO
RECORDED

- 81 502D07 -

Excepting the December 20, 1981 installment of taxes and assessments, and all taxes and assessments due and payable thereafter which the Grantees herein assume and agree to pay.

Prior instrument reference: Deed Book 1705, Page 568,
Deed Microfiche No. 80-257-A01 and Deed Microfiche No.
81-056-E07.

Grantors release all rights of dower therein. Witness
their hands this 26th day of October, 1981.

Signed and Acknowledged
in the Presence of:

[Signature]
WITNESS AS TO 1 AND 2

[Signature]
WITNESS AS TO 1 AND 2

[Signature]
WITNESS AS TO 3 AND 4

[Signature]
WITNESS AS TO 3 AND 4

[Signature]
WITNESS AS TO 5 AND 6

[Signature]
WITNESS AS TO 5 AND 6

1. [Signature]
HORACE J. BOESCH, JR.

2. [Signature]
FRANCES E. BOESCH

3. [Signature]
PAULITA M. MILLER SMITH

4. [Signature]
DAVID E. SMITH

5. [Signature]
BARBARA L. WANNEMACHER

6. [Signature]
BERNARD H. WANNEMACHER

STATE OF OHIO)
COUNTY OF MONTGOMERY) SS:

BE IT REMEMBERED, That on this 27th day of October, 1981, before me the subscriber, a Notary Public, in and for said County, personally came, HORACE J. BOESCH, JR. AND FRANCES E. BOESCH, husband and wife, the grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

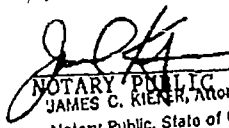
IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.

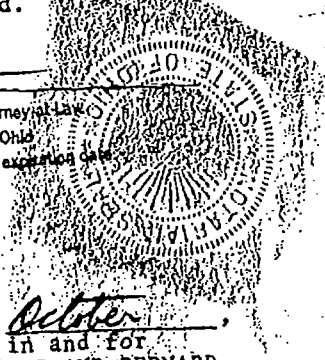
[Signature]
NOTARY PUBLIC
JAMES C. KIEFER, Attorney-at-Law
Notary Public, State of Ohio
My Commission has no expiration date.
Section 147.03 R. C.

STATE OF OHIO)
COUNTY OF MONTGOMERY) SS:

BE IT REMEMBERED, That on this 26th day of October, 1981, before me the subscriber, a Notary Public, in and for said County, personally came, PAULITA M. MILLER SMITH AND DAVID E. SMITH, husband and wife, the grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.

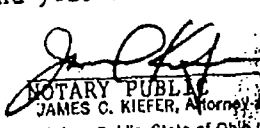

NOTARY PUBLIC
JAMES C. KIEFER, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date
Section 147.03 R. C.




STATE OF OHIO)
COUNTY OF MONTGOMERY) SS:

BE IT REMEMBERED, That on this 27th day of October, 1981, before me the subscriber, a Notary Public, in and for said County, personally came, BARBARA L. WANNEMACHER AND BERNARD H. WANNEMACHER, husband and wife, the grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.


NOTARY PUBLIC
JAMES C. KIEFER, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date
Section 147.03 R. C.



THIS INSTRUMENT PREPARED BY:

James C. Kiefer of
CARSON, CARSON & KIEFER
Attorneys at Law
7825 North Dixie Drive
Dayton, Ohio 45414

Deed 81-016719

J44-41-5-40, 31

MORaine

ND.

GENERAL WARRANTY DEED

16719

CYRIL J. GRILLOT AND MARGARET C. GRILLOT, husband and wife; and KATHRYN A. BOESCH, unmarried, of Montgomery County, Ohio, for valuable consideration paid, grants, with general warranty covenants to OLLIE E. LACY AND JUDY A. LACY, whose tax mailing address is 2391 East River Road, Moraine, Ohio 45439, the following real property:

An undivided Thirteen-Sixteenths (13/16 ths) interest in the following:

A.3259 #02 240.60

Situate in the City of Moraine, County of Montgomery and State of Ohio, and being Lot Numbered 3252 of the consecutive numbers of lots on the revised plat of the said City of Moraine.

Also an undivided Thirteen-Sixteenths (13/16 ths) interest in the following:

Situate in the State of Ohio, County of Montgomery, City of Moraine, and being a part of Lot Number 3276 of the consecutive numbers of lots on the plat of said City.

Beginning at the northeast corner of said part Lot Number 3276, which is also the northwest corner of Lot Number 3207, and in the south line of Lot Number 3277; thence, with the east line of part Lot Number 3276 and the west line of Lot 3207 and the west line of Lot Number 3252, South 4° 15' 39" West a distance of 234.59 feet to the southwest corner of Lot Number 3252; thence, with the southeasterly line of part Lot Number 3276 and the northwesterly line of Lot Numbers 3254 and 3255, South 44° 17' 57" West a distance of 682.55 feet to the northeast corner of Lot Number 3753; thence with the northeasterly line of Lot Number 3753, North 46° 12' West a distance of 300.69 feet to a point in the southeasterly line of Lot Number 3742; thence, with the southeasterly line of Lot Number 3742, North 44° 17' 57" East a distance of 740.73 feet to a point in the north line of part Lot Number 3276 and in the south line of Lot Number 3277; thence, with the north line of part Lot Number 3276 and the south line of Lot Number 3277, South 85° 20' East a distance of 194.47 feet to the place of beginning, containing 5.436 acres, more or less.

Said premises now known as Lot Numbered 4423 of the consecutive numbers of lots on the revised plat of the said City of Moraine.

Subject to all legal highways, easements, restrictions and agreements of record.

VICKI D. PEGO
RECORDER

-1-

Nov 12 10 07 AM '81

MONTGOMERY CO. OHIO
RECORDED

FRED E. YOUNG	
MONTGOMERY CO. OHIO	
DESCRIPTION	DATE
AND AGREEMENTS	10/22/81
BY	MAP DEPARTMENT

TRANSFERRED
NOV 12 1981

81 502D10

Excepting the December 20, 1981 installment of taxes and assessments, and all taxes and assessments due and payable thereafter which the Grantees herein assume and agree to pay.

Prior instrument reference: Deed Book 1705, Page 568,
Deed Microfiche No. 80-257-A01 and Deed Microfiche No.
81-056-E07.

Grantors release all rights of dower therein. Witness
their hands this 15th day of October, 1981.

Signed and Acknowledged
in the Presence of:

Janice L. Wray
WITNESS AS TO 1 AND 2

Jan Skiff
WITNESS AS TO 1 AND 2

Jan Skiff
WITNESS AS TO 3

Alvin L. Grillo
WITNESS AS TO 3

1. Cyril J. Grillo
CYRIL J. GRILLOT
2. Margaret C. Grillo
MARGARET C. GRILLOT
3. Kathryn A. Boesch
KATHRYN A. BOESCH

STATE OF OHIO)
COUNTY OF MONTGOMERY) SS:

BE IT REMEMBERED, That on this 21st day of
October, 1981, before me the subscriber, a
Notary Public, in and for said county, personally came,
CYRIL J. GRILLOT AND MARGARET C. GRILLOT, husband and wife,
the grantors in the foregoing deed, and acknowledged the
signing thereof to be their voluntary act and deed.

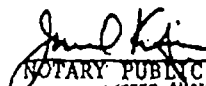
IN TESTIMONY THEREOF, I have hereunto subscribed my
name and affixed my seal on this day and year aforesaid.

James C. Kiefer
NOTARY PUBLIC
JAMES C. KIEFER, Attorney-at-Law
Notary Public, State of Ohio
My Commission has no expiration date.
Section 147.03 R. C.

STATE OF OHIO)
COUNTY OF MONTGOMERY) SS:

BE IT REMEMBERED, That on this 15th day of October, 1981, before me the subscriber, a Notary Public in and for said county, personally came, KATHRYN A. BORSCH, unmarried, the grantor in the foregoing deed and acknowledged the signing thereof to be her voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.


NOTARY PUBLIC
JAMES C. KIEFER, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date
Section 147.03 R. C.



THIS INSTRUMENT PREPARED BY: James C. Kiefer of
CARSON, CARSON & KIEFER
Attorneys at Law
7825 North Dixie Drive
Dayton, Ohio 45414

4305



PROBATE COURT OF MONTGOMERY COUNTY, OHIO

ESTATE OF Judith A. Lacy, a/k/a Judy A. Lacy, DECEASED

Case No. 268988 Docket 356 Page

CERTIFICATE OF TRANSFER

NO. 1

J44-41-5-31

Decedent died on November 29, 1987 owning the real estate described in this certificate. The persons to whom such real estate passed by devise, descent or election are as follows.

Name	Residence Address	Interest in Real Estate so Passing
Ollie E. Lacy	2391 East River Road Dayton, Ohio 45439	being decedent's entire interest, in fee simple

TRANSFERRED
MAR 16 AM 8:45
DANA A. STAMPS
MONT. COUNTY NOTOR

VICKI D. PEGG
1000M
88 MAR 15 AM 9:14
MONTGOMERY CO. OHIO
RECORDED

MAR 9 9 51 AM '88
DEPT. OF PROBATE
MONTGOMERY CO. OHIO

A.3296 WJ1 .00

[Complete if applicable] The real estate described in this certificate is subject to a charge of \$ _____ in favor of decedent's surviving spouse, _____ in respect of the unpaid balance of the specific monetary share which is part of the surviving spouse's total intestate share.

Prepared By:
David E. Izor
Attorney at Law

The real estate, the transfer of which is memorialized by this certificate, is described as follows [describe below, using extra sheets if necessary. If decedent's interest was a fractional share, be sure to so state]:

TRACT ONE: Situate in the City of Moraine, County of Montgomery and State of Ohio and being Lot numbered 3252 of the consecutive numbers of lots on the revised plat of the said City of Moraine.

TRACT TWO: Situate in the City of Moraine, County of Montgomery and State of Ohio and being Lot numbered 4423 of the consecutive numbers of lots on the revised plat of the said City of Moraine.

Subject to all legal highways, easements, restrictions and agreements of record.

Prior deed reference: Microfiche 81-502-D07 and Microfiche 81-502-D10 of the Deed Records of Montgomery County, Ohio.

TRANSFERRED
1988 MAR 16 AM 8:45
DANA A. STAMPS
MONT. COUNTY AUDITOR

MAR 9 1988

GEORGE J. GOUNARIS

Date Issued

George J. Gounaris, Probate Judge

AUTHENTICATION

I certify that the above document is a true copy of the original kept by me as custodian of the official records of this Court.

MAR 9 1988

GEORGE J. GOUNARIS

Date

Probate Judge/Clerk

George J. Gounaris

DEED 88-0135 A04

I-208

7937

Warranty DeedJ44-41-5-20, 21, 23, 24,
26, 32, 125

Know All Men By These Presents: That Doyle T. Roberson, a/k/a Doyle Roberson and Virginia R. Roberson, a/k/a Virginia Roberson, husband and wife

in consideration of One Dollar and other good and valuable consideration to them paid by Ollie E. Lacy

Whose address is: 2391 East River Road, Moraine, Ohio 45439

the receipt of which is hereby acknowledged, do hereby **GRANT, BARGAIN, SELL AND CONVEY** unto the said

Ollie E. Lacy

his heirs and assigns forever,

the following described real estate to-wit:

Situate in the City of Moraine, County of Montgomery and State of Ohio and being Lots numbered 3256, 3259, 3260, 3261, 3262, 3263 and 3753 of the consecutive number of lots of said City of Moraine, Ohio.

Prior deed references: Microfiche 75-552-E09; Book 1578, page 446; Book 2041, page 82; Book 2330, page 315; Book 2293, page 443; Microfiche 72-239-D02 and Microfiche 79-1397-A10 of the Deed Records of Montgomery County, Ohio.

A.6030 #01 298.00

VICKI D. PEGG
RECORDER

88 MAY -4 AM 10:34

MONTGOMERY CO. OHIO
RECORDED

TRANSFERRED
1988 MAY -4 AM 9:14
JAN. A. STANG
COUNTY CLERK

and all the Estate, Title and interest of the said Grantor s either in Law or Equity, of, in and to the said premises; Together with all the privileges and appurtenances to the same belonging, and all the rents, issues and profits thereof;

TO HAVE AND TO HOLD the same to the only proper use of the said Grantee his heirs and assigns forever.

And the said Grantor s for themselves and their heirs, executors and administrators, does hereby **COVENANT** with the said Grantee his heirs and assigns that they are the true and lawful owner s of the said premises, and have full power to convey the same; and that the title so conveyed is **CLEAR, FREE AND UNINCUMBERED**; And **FURTHER**, that they do **WARRANT AND WILL DEFEND** the same against all claims, of all persons whomsoever; except for any and all real estate taxes and assessments due and payable on and after the date of delivery of this deed which Grantee herein assumes and agrees to pay as part consideration hereof.

4
IN WITNESS WHEREOF, the said Doyle T. Roberson and Virginia R. Roberson, husband and wife

who hereby release all their right and expectancy of Dower in said premises, have hereunto set their hands, this 3rd day of May in the year of our Lord One Thousand Nine Hundred and Eighty-eight

Signed and acknowledged in the presence of:

[Signature]
Doyle T. Roberson
[Signature]
Virginia R. Roberson
[Signature]
Virginia R. Roberson

STATE OF OHIO COUNTY OF MONTGOMERY, ss:

BE IT REMEMBERED, that on this 3rd day of May, in the year of our Lord One Thousand Nine Hundred and Eighty-eight, before me, the subscriber a Notary Public in and for said County, personally came

Doyle T. Roberson and Virginia R. Roberson, husband and wife

the Grantors in the foregoing Deed, and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year aforesaid.

Notary Public,

DAVID E. IZOR, Attorney-At-Law
Notary Public, in and for the State of Ohio
My Commission has no Expiration Date
Section 147.03 R.C.

This Instrument Prepared by .. David E. Izor
Attorney At Law

Warranty Deed

From
Doyle T. Roberson
and
Virginia R. Roberson,
husband and wife

To
Ollie E. Lacy

BOX:
David E. Izor
Attorney at Law
52 N. Main St.
Cincinnati, Ohio 45227

DV/31

12

Form No. 612

Warranty Deed

14632

Know All Men By These Presents: That

Ollie E. Lacy

4-5^{1st}/36

MORaine

in consideration of One Dollar and other good and valuable consideration to him paid by Ronald Barnett

Whose address is: 2620 E. River Road, Moraine, Ohio 45439

the receipt of which is hereby acknowledged, does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said

Ronald Barnett

A1506 #02 120.00

his heirs and assigns forever, the following described real estate to-wit:

Situate in the City of Moraine, County of Montgomery and State of Ohio and being Lot numbered 4610 of the consecutive numbers of lots on the revised plat of said City. As described in Exhibit A.

Subject, however, to all legal highways and easements of record.

The Grantor herein reserves a permanent easement for ingress and egress over a strip of ground 50 feet in width taken by parallel lines off the southeast side of Lot #4610 in order to access Lot #4611.

Prior deed reference: Microfiche 88-135-A03 of the Deed Records of Montgomery County, Ohio.

and all the Estate, Title and interest of the said Grantor either in Law or Equity, of, in and to the said premises; Together with all the privileges and appurtenances to the same belonging, and all the rents, issues and profits thereof;

TO HAVE AND TO HOLD the same to the only proper use of the said Grantee his heirs and assigns forever.

And the said Grantor for himself and his heirs, executors and administrators, does hereby COVENANT with the said Grantee his heirs and assigns that he is the true and lawful owner of the said premises, and has full power to convey the same; and that the title so conveyed is CLEAR, FREE AND UNINCUMBERED: And FURTHER, that he does WARRANT AND WILL DEFEND the same against all claims, of all persons whomsoever; except for any and all real estate taxes and assessments due and payable on and after the date of delivery of this deed which Grantee herein assumes and agrees to pay as part consideration hereof.

RECORDED

89 AUG 10 AM 8:47 12-H

MONTGOMERY CO OHIO

DEED 89-0426 C12

4-5^{1st}/36
MORaine
DEED
RECORDED
89 AUG 10 AM 8:47

TRANSFERRED

1440551

IN WITNESS WHEREOF, the said Ollie E. Lacy, married, and his wife, Pauline Lacy who hereby releases all her right and expectancy of Dower in said premises, have hereunto set their hands, this 28th day of July in the year of our Lord One Thousand Nine Hundred and Eighty-nine

Signed and acknowledged in the presence of:

[Signature]
Vondra L. McFarland

[Signature]
Ollie E. Lacy
[Signature]
Pauline Lacy

STATE OF OHIO COUNTY OF MONTGOMERY, ss:

BE IT REMEMBERED, that on this 28th day of July, in the year of our Lord One Thousand Nine Hundred and Eighty-nine, before me, the subscriber a Notary Public in and for said County, personally came

Ollie E. Lacy, married, and his wife, Pauline Lacy

the Grantor in the foregoing Deed, and acknowledged the signing thereof to be their voluntary act and deed.

Do Not Use

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year aforesaid.

Notary Public,

DAVID E. IZOR, Attorney-At-Law
Notary Public, in and for the State of Ohio
My Commission has no Expiration Date
Section 147.03 R.C.

This Instrument Prepared by David E. Izor
Attorney At Law

Warranty Deed

From

Ollie E. Lacy,
married

To

Ronald Parnett

BOK
David E. Izor
Attorney at Law
52 N. Main St.
Cincinnati, Ohio 45202

"EXHIBIT A"

41-5^{1ST} 136

MORaine



John W. Judge Engineering Company

Professional Engineers and Surveyors • Consultants

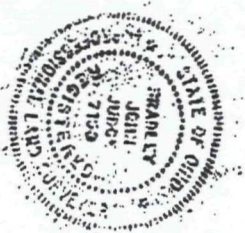
Description of Proposed Lot 4610
City of Moraine, Montgomery County, Ohio

Situate in the City of Moraine, Montgomery County, Ohio and being part of Lot 4423 of the consecutive numbers of lots on the revised plat of said city, and being proposed Lot 4610, said parcel being more particularly described as follows:

Beginning at an iron pin at the northwest corner of Lot 3207 of the consecutive lot numbers on the revised plat of the City of Moraine;

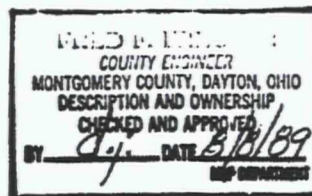
thence from said point of beginning, S 4° 15' 39" W with the west line of said Lot 3207 a distance of 234.59 feet to an iron pin at the southwest corner of Lot 3252; thence S 44° 17' 57" W with the west line of Lot 3254 a distance of 184.79 feet to an iron pin; thence N 46° 12' 00" W with a new division line a distance of 300.69 feet to an iron pin in the east line of Lot 3742; thence N 44° 17' 57" E with said east line a distance of 242.97 feet to an iron pin at the northwest corner of Lot 4423; thence S 85° 20' 00" E with the north line of said Lot 4423 a distance of 194.47 feet to the place of beginning, containing 2.000 acres, mor or less, subject, however, to all legal highways and easements of record.

Deed Reference: M.F. 88-135A03



Bradley J. Judge

Bradley J. Judge
Registered Surveyor No. 7150
June 7, 1989
Revised July 17, 1989



DEED 89-0426 D02



0002684

DI 144-41-5-136

AFFIDAVIT

I, PAULINE LACY, Executrix of the estate of Ollie E. Lacy aka Ollie Elmo Lacy,

1957 Dryden Road, Dayton, OH 45439 of Montgomery County, Ohio,
in consideration of One Dollard and other good and valuable considerationto Her in hand paid by Ronald Barnett, *Owner*whose address is 2620 E. River Road, Moraine, Ohio 45439
do es

to the said Ronald Barnett and others

the following described Real Estate,⁽¹⁾Situate in the City of Moraine, County of Montgomery and State of Ohio
and being Lot numbered 4610 of the consecutive numbers of lots on the
revised plat of said City. As described in Exhibit "A".Subject, however, to all legal highways and easements of record and
reserving no easement for ingress and egress and revoking any and all
previous easements for ingress and egress that may have been
previously granted and with all warranty rights said interest in
said land.VICKI D. PEGG
RECORDER

91 FEB 19 PM 1:00

MONTGOMERY CO. OHIO
RECORDED

NO TRANSFER NEEDED

1991 FEB 19 PM 1:04

CATHY A. CAMES
MONTGOMERY CO. OHIO

Prior Deed Reference: Microfiche 89-0426-C12

and all the Estate, Right, Title and Interest of the said grantor in and to said premises; To have and
to hold the same, with all the privileges and appurtenances thereunto belonging, to said grantee,
hisheirs and assigns forever. And the said Pauline Lacy, Executrix of the estate of Ollie E.
Lacy, aka Ollie Elmo Lacydo es hereby Covenant and Warranty that the title so conveyed is Clear, Free and Unin-
cumbered, and that she will Defend the same against all lawful claims of all persons whomsoever.

In Witness Whereof, the said Pauline Lacy

has hereunto set her
hand, this 4th day of FEB. in the year A.D. nineteen hundred
and 91.

Signed and acknowledged in presence of us:

Pauline Lacy
Paul C. Bradsby

Pauline Lacy
Pauline Lacy

State of Ohio,

County, ss.

On this 4th day of FEB., 19 91, before me, a Notary Public
in and for said County, personally came Pauline Lacy

acknowledged the signing thereof to be her voluntary act and deed.

Witness my official signature and seal on the day last above mentioned.

Paul C. Bradsby

Commission expires November 26, 1994

This instrument was prepared by James R. Kirkland, 111 W. First Street, Suite 518,
Dayton, Ohio 45402

From

To

19

County Auditor

isferred

DEED

91-0082

E09

"EXHIBIT A"

41-5^{1ST} 136

MORaine



John W. Judge Engineering Company

Professional Engineers and Surveyors • Consultants

Description of Proposed Lot 4610
City of Moraine, Montgomery County, Ohio

Situate in the City of Moraine, Montgomery County, Ohio and being part of Lot 4423 of the consecutive numbers of lots on the revised plat of said city, and being proposed Lot 4610, said parcel being more particularly described as follows:

Beginning at an iron pin at the northwest corner of Lot 3207 of the consecutive lot numbers on the revised plat of the City of Moraine;

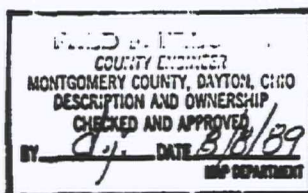
thence from said point of beginning, S 4° 15' 39" W with the west line of said Lot 3207 a distance of 234.59 feet to an iron pin at the southwest corner of Lot 3252; thence S 44° 17' 57" W with the west line of 3254 a distance of 184.79 feet to an iron pin; thence N 46° 12' 00" W with a new division line a distance of 300.69 feet to an iron pin in the east line of Lot 3742; thence N 44° 17' 57" E with said east line a distance of 242.97 feet to an iron pin at the northwest corner of Lot 4423; thence S 85° 20' 00" E with the north line of said Lot 4423 a distance of 194.47 feet to the place of beginning, containing 2.000 acres, more or less, subject, however, to all legal highways and easements of record.

Deed Reference: M.F. 88-135A03



Bradley J. Judge

Bradley J. Judge
Registered Surveyor No. 7150
June 7, 1989
Revised July 17, 1989



DEED 89-0426 D02

Warranty Deed

Know All Men By These Presents: That Pauline Lacy, unmarried

in consideration of One Dollar and other good and valuable consideration
to her paid by Sharon Roe

Whose address is: 2915 Edgemoor Lane, Dayton, Ohio 45439-1654

the receipt of which is hereby acknowledged, does hereby **GRANT, BARGAIN, SELL AND CONVEY** unto the said

Sharon Roe

her heirs and assigns forever,

the following described real estate to-wit:

Situate in the City of Moraine, County of Montgomery and State of Ohio and being Lots numbered 3252, 3256, 3259, 3260, 3261, 3262, 3263, 3753 and 4423 of the consecutive number of lots of said City of Moraine, Ohio.

Prior deed reference: Microfiche 92-0101-D06 of the Deed Records of Montgomery County, Ohio.

ALSO THE FOLLOWING DESCRIBED REAL ESTATE: Situate in the City of Moraine, County of Montgomery and State of Ohio and being Lots numbered 3302 and 3303 of the consecutive number of lots of said City of Moraine, County,

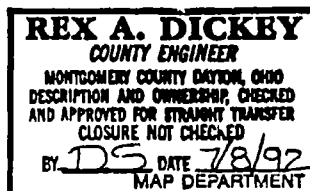
Prior deed reference: Microfiche 92-0101-D06 of the Deed Records of Montgomery County, Ohio.

60947 #02 400.00

and all the Estate, Title and interest of the said Grantor either in Law or Equity, of, in and to the said premises; Together with all the privileges and appurtenances to the same belonging, and all the rents, issues and profits thereof;

TO HAVE AND TO HOLD th same to the only proper use of the said Grantee
her heirs and assigns forever.

And the said Grantor for herself and her heirs, executors and administrators, does hereby **COVENANT** with the said Grantee her heirs and assigns that she is the true and lawful owner of the said premises, and has full power to convey the same; and that the title so conveyed is **CLEAR, FREE AND UNINCUMBERED**; And **FURTHER**, that she does **WARRANT AND WILL DEFEND** the same against all claims, of all persons whomsoever; except for any and all real estate taxes and assessments due and payable on and after the date of delivery of this deed which Grantee herein assumes and agrees to pay as part consideration hereof.



5
Pauline

IN WITNESS WHEREOF, the said Pauline Lacy, unmarried

who hereby releases, conveys, grants, assigns, transfers, and covenants to defend the title to the premises, as hereunto set her hand, this 1st day of July, 1992, in the year of our Lord One Thousand Nine Hundred and Ninety-two

Signed and acknowledged in the presence of:

David E. Izor

Pauline Lacy
Pauline Lacy

Condie S. McFarland

TRANSMITTED
1992 JUL -8 AM 8:14
MONTGOMERY CO. OHIO

STATE OF OHIO COUNTY OF MONTGOMERY, ss:

BE IT REMEMBERED, that on this 1st day of July, 1992, in the year of our Lord One Thousand Nine Hundred and Ninety-two, before me, the subscriber a Notary Public in and for said County, personally came

Pauline Lacy, unmarried

the Grantor in the foregoing Deed, and acknowledged the signing thereof to be her voluntary act and deed.

Do Not Use

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year aforesaid.

Notary Public

DAVID E. IZOR, Attorney at Law
Notary Public, in and for the State of Ohio
My Commission has no Expiration Date
Section 147.03 R.C.

DAVID E. IZOR, Attorney at Law
Notary Public, in and for the State of Ohio
My Commission has no Expiration Date
Section 147.03 R.C.

This Instrument Prepared by David E. Izor
Attorney At Law

Warranty Deed

From

Pauline Lacy,
unmarried

To

Sharon Roe

VICKI D. PEGE
RECORDER
92 JUL -8 AM 8:53
MONTGOMERY CO. OHIO
RECORDED

Box:
David E. Izor
Attorney at Law
52 N. Main St.
Cincinnati, Ohio 45227

Warranty Deed J44 - 41-5-40**Know All Men By These Presents:** That Sharon Roe, unmarriedin consideration of One Dollar and other good and valuable consideration
to her paid by Ronald Barnett

Whose address is: 2620 East River Road, Dayton, Ohio 45439

the receipt of which is hereby acknowledged, does hereby **GRANT, BARGAIN, SELL AND CONVEY** unto the said

Ronald Barnett

48056 #02 .00

his heirs and assigns forever,

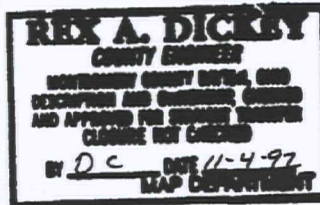
the following described real estate to-wit:

Situate in the City of Moraine, County of Montgomery and State of Ohio and being Lot numbered THREE THOUSAND TWO HUNDRED FIFTY-TWO (3252) of the consecutive numbers of lots on the revised plat of said City.

Prior deed reference: Microfiche 92-0394-C12 of the Deed Records of Montgomery County, Ohio.

TRANSFERRED
932 NOV -4 AM 8:49
A.J. WAGNER
AUDITOR

VICKI D. PEGG
RECORDER
10-10
92 NOV -4 AM 9:02
MONTGOMERY CO. OHIO
RECORDED



and all the Estate, Title and interest of the said Grantor either in Law or Equity, of, in and to the said premises; Together with all the privileges and appurtenances to the same belonging, and all rents, issues and profits thereof;

TO HAVE AND TO HOLD the same to the only proper use of the said Grantee
his heirs and assigns forever.

And the said Grantor for herself and her heirs, executors and administrators, does hereby **COVENANT** with the said Grantee his heirs and assigns that she is the true and lawful owner of the said premises, and has full power to convey the same; and that the title so conveyed is **CLEAR, FREE AND UNINCUMBERED**; And **FURTHER**, that she does **WARRANT AND WILL DEFEND** the same against all claims, of all persons whomsoever; except for any and all real estate taxes and assessments due and payable on and after the date of delivery of this deed which Grantee herein assumes and agrees to pay as part consideration hereof.

22065-CL 22067

IN WITNESS WHEREOF, the said Sharon Roe, unmarried

has hereunto set her hand, this 30th day of October in the year of our Lord One Thousand Nine Hundred and Ninety-two

Signed and acknowledged in the presence of:

[Signature of David E. Izor]

[Signature of Sharon Roe]
Sharon Roe

[Signature of David G. McFarland]

STATE OF OHIO COUNTY OF MONTGOMERY, ss:

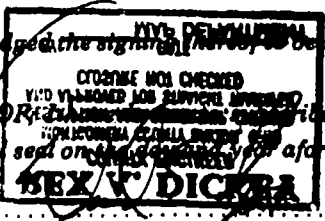
BE IT REMEMBERED, that on this 30th day of October, in the year of our Lord One Thousand Nine Hundred and Ninety-two, before me, the subscriber a Notary Public in and for said County, personally came

Sharon Roe, unmarried

the Grantor in the foregoing Deed, and acknowledged the signature thereof to be her voluntary act and deed.

Do Not Use

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year aforesaid.



Notary Public,

DAVID E. IZOR, Attorney At Law
Notary Public, in and for the State of Ohio
My Commission has an Expiration Date
Section 147.02 R.C.

This Instrument Prepared by David E. Izor

Attorney At Law

A. J. WAGNER
AUDITOR

652 NOV -4 AM 8 49

TRANSFERRED

Warranty Deed

From

Sharon Roe,
unmarried

To

Ronald Barnett

Box:

David E. Izor
Attorney at Law
121 N. State St.
Cincinnati, Ohio

004711

JOY A. CLARK
RECORDER

96 JAN 24 AM 8:22

MONTGOMERY CO. OHIO
RECORDED

TITLE AFFIDAVIT

STATE OF OHIO,
COUNTY OF MONTGOMERY, SS:

The undersigned, being duly sworn, says the following:

- a) The owner of the subject real estate is:

SHARON ROE

- b) The subject real estate is described as follows:

Situate in the City of Moraine, Montgomery County,
Ohio and Being Lots Numbered 3256, 3259, 3260,
3261, 3262, 3263, 3753 and 4423 of the consecutive
numbers of lots on the revised plat of the said City
of Moraine, Ohio.

(See Exhibit "A" for Exception)

- c) The undersigned is not the person described in the following:

Federal Tax Lien #91-1513 filed against Jack H. &
Sharon L. Roe, filed on July 2, 1991 in the amount
of \$1,190.28

Further, Affiant Faith Naught

Sharon Roe
Sharon Roe
Social Security # 302-40-3770

NO TRANSFER NEEDED
36 JAN 23 PM 2:58
A.J. WAGNER
AUGUSTOR

Subscribed to before me and subscribed in my presence this 30th day of December, 1995.

[Signature]
Notary Public
My Comm. Expires [blank] My Comm. Renewed [blank]
Section 14703 O. R. C.

THIS INSTRUMENT PREPARED BY
ALAN A. RIEGEL
ATTORNEY AT LAW

(LEGAL DESCRIPTION - EXHIBIT "A")

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL ESTATE:

Situate in the City of Moraine, Montgomery County, Ohio and being part of Lot 4423 of the consecutive numbers of lots on the revised plat of said City, and being proposed Lot 4610, said parcel being more particularly described as follows:

Beginning at an iron pin at the northwest corner of Lot 3207 of the consecutive lot numbers on the revised plat of the City of Moraine; thence from said point of beginning, S. 4 deg. 15' 39" W. with the west line of said Lot 3207 a distance of 234.59 feet to an iron pin at the southwest corner of Lot 3252; thence S. 44 deg. 17' 57" W. with the west line of 3254 a distance of 184.79 feet to an iron pin; thence N. 46 deg. 12' 00" W. with a new division line a distance of 300.69 feet to an iron pin in the east line of Lot 3742; thence N. 44 deg. 17' 57" E. with said east line a distance of 242.97 feet to an iron pin at the northwest corner of Lot 4423; thence S. 85 deg. 20' 00" E. with the north line of said Lot 4423 a distance of 194.47 feet to the place of beginning, containing 2.000 acres, more or less.

MOR. 96 0224 DEC

0001193

GENERAL WARRANTY DEED

141-41-5-20, 21, 23, 24, 26,
31, 32, 35,
(am)

Moraine

Sharon Roe, Unmarried, of Montgomery County, Ohio for valuable consideration paid,
grant(s) with general warranty covenants, to South Dayton Auto Salvage, Inc and whose
tax-mailing address is 2335 E. River Road, Moraine, Ohio 45439 for following real property:


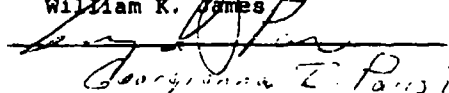
Situate in the City of Moraine, County of Montgomery and State of Ohio and
Being Lots Numbered 3256, 3259, 3260, 3261, 3262, 3263, 3753 and 4423 of
the consecutive numbers of lots on the revised plat of the said City of
Moraine, Ohio. SEE EXHIBIT "A" FOR EXCEPTION.


This conveyance is made subject to all legal highways and easements, all restrictions,
conditions and conveyances of record, all zoning restrictions, and all taxes and assessments
not yet due, or not yet due and payable.

APR 72 401 500 00

Prior Instrument Reference: of the Deed Records of
Montgomery County, Ohio. Executed this ¹⁵ ~~30th~~ day of ^{January} ~~December~~, 199⁶

Signed and acknowledged in the presence of:


William K. James

Georgeanna E. Parisi


Sharon Roe

State of Ohio

County of Montgomery

ss.

The foregoing instrument was acknowledged before me on its date of execution by
Sharon Roe, Unmarried.

Notary Public

ALAN A. BIGGEL, Attorney-at-Law
Notary Public, State of Ohio
My Commission has no expiration date.
SIGNED 1/23/96 (11)

This instrument was prepared by
Alan A. Biegel, Attorney At Law
537 East Stroop Road
Kettering, Ohio 45429
(513) 643-1620

TRANSFERRED
JAN 23 PM 3:13
A.J. WAGNER
AUDITOR

JOY A. CLARK
RECORDER
96 JAN 24 AM 8:23
MONTGOMERY CO. OHIO
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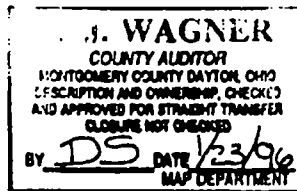
DEED 96-0058 B12

(LEGAL DESCRIPTION - EXHIBIT "A")

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL ESTATE:

Situate in the City of Moraine, Montgomery County, Ohio and being part of Lot 4423 of the consecutive numbers of lots on the revised plat of said City, and being proposed Lot 4610, said parcel being more particularly described as follows:

Beginning at an iron pin at the northwest corner of Lot 3207 of the consecutive lot numbers on the revised plat of the City of Moraine; thence from said point of beginning, S. 4 deg. 15' 39" W. with the west line of said Lot 3207 a distance of 234.59 feet to an iron pin at the southwest corner of Lot 3252; thence S. 44 deg. 17' 57" W. with the west line of 3254 a distance of 184.79 feet to an iron pin; thence N. 46 deg. 12' 00" W. with a new division line a distance of 300.69 feet to an iron pin in the east line of Lot 3742; thence N. 44 deg. 17' 57" E. with said east line a distance of 242.97 feet to an iron pin at the northwest corner of Lot 4423; thence S. 85 deg. 20' 00" E. with the north line of said Lot 4423 a distance of 194.47 feet to the place of beginning, containing 2.000 acres, more or less.



South Dayton Dump and Landfill Site



Property outlined in red is the original dump site owned by Margaret Grillot.

Property outlined in green is part of the original dump site owned by Valley Asphalt Corporation.

Property outlined in blue is owned by Jim City Salvage, Inc.

MW-209 was installed and sampled by The Payne Firm, Inc.

Data Summary

